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Rules of Governmental Agencies

Volume 15, Issue 43 — October 25, 1991

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TABLE OF CONTENTS

PROPOSED RULES	PAGE
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Travel; 80 Ill. Adm. Code 2800	15199
ENVIRONMENTAL PROTECTION AGENCY General Conditions of State of Ill. Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970; 35 Ill. Adm. Code 360	15202
HISTORIC PRESERVATION AGENCY, ILLINOIS Rules for the Protection, Treatment & Inventory of Unmarked Human Burial Sites & Unregistered Graves; 17 Ill. Adm. Code 4170	15209
INSURANCE, DEPARTMENT OF Premium Fund Trust Account; 50 Ill. Adm. Code 3113	15244
LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD, ILLINOIS Ill. Police Training Act; 20 Ill. Adm. Code 1720	15251
PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD, DEPARTMENT OF Narrative & Planning Policies; 77 Ill. Adm. Code 1100	15255
Processing, Classification Policies & Review Criteria; 77 Ill. Adm. Code 1110	15299
RACING BOARD, ILLINOIS Racing Rules; 11 Ill. Adm. Code 1318	15388
REHABILITATION SERVICES, DEPARTMENT OF Consultative Examination Process, The; 89 Ill. Adm. Code 840	15390
Disability Case Development Process; 89 Ill. Adm. Code 843	15405
REVENUE, DEPARTMENT OF Coin-Operated Amusement Device Tax; 86 Ill. Adm. Code 460	15417
Hotel Operators' Occupation Tax Act; 86 Ill. Adm. Code 480	15422
SECRETARY OF STATE Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070	15428
ADOPTED RULES	
INSURANCE, DEPARTMENT OF Cost Containment Form & Data Reporting; 50 Ill. Adm. Code 6602	15438
MINES AND MINERALS, DEPARTMENT OF Ill. Oil & Gas Act, The; 62 Ill. Adm. Code 240	15493
POLLUTION CONTROL BOARD Definitions & General Provisions; 35 Ill. Adm. Code 211	15564
Organic Material Emission Standards & Limitations; 35 Ill. Adm. Code 215	15595
SECRETARY OF STATE Mandatory Vehicle Liability Insurance; 50 Ill. Adm. Code 8010	15605
EMERGENCY RULES	
RACING BOARD, ILLINOIS Racing Rules; 11 Ill. Adm. Code 1318	15610

EMERGENCY RULES (CONT'D)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Ill. Veteran Grant Program; 23 Ill. Adm. Code 2733	15613
Minority Teachers of Ill. Scholarship Aid Program; 23 Ill. Adm. Code 2763	15621

PUBLIC INFORMATION

AFFORDABLE HOUSING PROGRAM, ILLINOIS

Annual Plan of the Advisory Commission	15630
--	-------

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Banc One Corporation, Columbus, Ohio, to Acquire First Ill. Corporation, Evanston, Ill.....	15632
---	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	15633
-------------------------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

91-13 An Executive Order Creating An Annual Report On The State Of The Rural Illinois Economy.....	15634
--	-------

PROCLAMATIONS

91-451 Italian Heritage Month (Revised).....	15635
91-481 Disability Independence Day (Revised).....	15635
91-491 Fischer's Restaurant Day.....	15636
91-492 Basketball Centennial Season/Basketball Centennial Week.....	15636
91-493 Credit Union Month/Credit Union Week/Credit Union Day.....	15637
91-494 Dental Hygiene Week.....	15637
91-495 Environmental Health Practitioners Week.....	15638
91-496 Home Accessibility Month.....	15638
91-497 Lupus Awareness Month.....	15639
91-498 OFCCP Commended.....	15639
91-499 Polish American Heritage Month.....	15640
91-500 Turner's Syndrome Society Days.....	15640
91-501 Victory Week.....	15641
91-502 Employee Leasing Week.....	15641
91-503 Gifted Education Month.....	15642
91-504 Home Economics Week.....	15642
91-505 Computer Security Day.....	15643
91-506 Elmer Gertz Day.....	15643
91-507 Radon Action Week.....	15644
91-508 United Nations Day.....	15644

CUMULATIVE INDEX

1991 Index - Issue #43	CI-1
------------------------------	------

SECTIONS AFFECTED INDEX

1991 Index - Issue #43	SAI-1
------------------------------	-------

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
Jan. 8, 1991	Jan. 15, 1991	4	Jan. 25, 1991	July 16, 1991	July 23, 1991	31	Aug. 2, 1991
Jan. 15, 1991	Jan. 22, 1991	5	Feb. 1, 1991	July 23, 1991	July 30, 1991	32	Aug. 9, 1991
Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
Jan. 29, 1991	Feb. 5, 1991	7	Feb. 15, 1991	Aug. 6, 1991	Aug. 13, 1991	34	Aug. 23, 1991
Feb. 5, 1991	Feb. 11, 1991	8	Feb. 22, 1991	Aug. 13, 1991	Aug. 20, 1991	35	Aug. 30, 1991
Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
Feb. 19, 1991	Feb. 26, 1991	10	Mar. 8, 1991	Aug. 27, 1991	Sept. 3, 1991	37	Sept. 13, 1991
Feb. 26, 1991	Mar. 5, 1991	11	Mar. 15, 1991	Sept. 3, 1991	Sept. 10, 1991	38	Sept. 20, 1991
Mar. 5, 1991	Mar. 12, 1991	12	Mar. 22, 1991	Sept. 10, 1991	Sept. 17, 1991	39	Sept. 27, 1991
Mar. 12, 1991	Mar. 19, 1991	13	Mar. 29, 1991	Sept. 17, 1991	Sept. 24, 1991	40	Oct. 4, 1991
Mar. 19, 1991	Mar. 26, 1991	14	Apr. 5, 1991	Sept. 24, 1991	Oct. 1, 1991	41	Oct. 11, 1991
Mar. 26, 1991	Apr. 2, 1991	15	Apr. 12, 1991	Oct. 1, 1991	Oct. 8, 1991	42	Oct. 18, 1991
Apr. 2, 1991	Apr. 9, 1991	16	Apr. 19, 1991	Oct. 8, 1991	Oct. 15, 1991	43	Oct. 25, 1991
Apr. 9, 1991	Apr. 16, 1991	17	Apr. 26, 1991	Oct. 15, 1991	Oct. 22, 1991	44	Nov. 1, 1991
Apr. 16, 1991	Apr. 23, 1991	18	May 3, 1991	Oct. 22, 1991	Oct. 29, 1991	45	Nov. 8, 1991
Apr. 23, 1991	Apr. 30, 1991	19	May 10, 1991	Oct. 29, 1991	Nov. 5, 1991	46	Nov. 15, 1991
Apr. 30, 1991	May 7, 1991	20	May 17, 1991	Nov. 5, 1991	Nov. 12, 1991	47	Nov. 22, 1991
May 7, 1991	May 14, 1991	21	May 24, 1991	Nov. 12, 1991	Nov. 19, 1991	48	Dec. 2, 1991 (Mon.)
May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
June 4, 1991	June 11, 1991	25	June 21, 1991	Dec. 10, 1991	Dec. 17, 1991	52	Dec. 27, 1991
June 11, 1991	June 18, 1991	26	June 28, 1991	Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992
June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section number: Proposed Action:
2800.650 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, pars. 148, 148-1, 148-2 and 148-3.
- 5) A Complete Description of the Subjects and Issues Involved:
Section 3000.210(c) of the Travel Regulation Council rules states that the Travel Control Board shall prescribe procedures for headquarter designation for agency heads under their respective jurisdiction. In response to this rule, the Board is proposing to add a new section to the Travel Control Board rules on headquarter designation for agency heads.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes.
Section Numbers Proposed Action Ill. Reg. Citation
2800.240 Amend 15 Ill. Reg. 12963
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendment begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

Section
2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section
2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Credit Cards
2800.240 Preparation and Submission of Travel Vouchers
EMERGENCY
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section
2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section
2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

Section
2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section
2800.600 Lack of Receipts
2800.650 Headquarter Designation for Agency Heads

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: General Conditions of State of Illinois Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970

2) Code Citation: 35 Ill. Adm. Code 360

3) Section Numbers: Proposed Action:

360.601 Amend
360.602 Amend

4) Statutory Authority: Section 4 of the Anti-Pollution Bond Act (Ill. Rev. Stat. 1981, ch. 127, par. 454).

5) A Complete Description of the Subjects and Issues Involved: The Anti-Pollution Bond Act of 1970 authorizes the Agency to issue grants to units of local governments for the planning, design and construction of sewage treatment works. These amendments would delete the present requirement for an interim submittal of both the sewer use ordinance and the user charge system. The current interim submittal is tied to a certain percentage of grant payments. The proposed amendments also would allow the use of a tax system in lieu of a user charge system if it is used solely for the support of the operation and maintenance of a collection system.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

If "yes", please specify the date: _____

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat., ch. 85, par. 2203(b)).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing no later than 45 days after publication of this notice to:

Bruce Carlson
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENT

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions - Requested in Advance
2800.710 Ex Post Facto Exceptions

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1989, ch. 127, par. 148, 148-1, 148-2, and 148-3) and authorized by The Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at _____ Ill. Reg. _____, effective _____.

Section 2800.650 Headquarter Designation for Agency Heads

All Agency Heads shall be headquartered at the location where official duties require the largest part of their working time. Exceptions to this rule may be granted by the Board upon written request from the Agency Head.

(Source: Added at _____ Ill. Reg. _____, effective _____)

ILLINOIS REGISTER
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 25, 1991
- B) Types of small businesses affected: The Agency believes that no small businesses will be affected. Grants issued under the Anti-Pollution Bond Act are, by law, restricted to units of local government.
- C) Reporting, bookkeeping or other procedures required for compliance: These amendments will not expand reporting requirements.
- D) Types of professional skills necessary for compliance: These amendments will not require any additional professional skills for compliance.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 360

GENERAL CONDITIONS OF STATE
OF ILLINOIS GRANTS FOR SEWAGE
TREATMENT WORKS UNDER THE
ANTI-POLLUTION BOND ACT OF 1970

SUBPART A: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH GRANT CONDITIONS

Section	
360.101	Noncompliance with Grant Conditions
360.102	Stop-Work Order
360.103	Termination
360.104	Waiver of Conditions

SUBPART B: REQUIREMENTS APPLICABLE TO APPLICATIONS FOR GRANTS

Section	
360.201	Contents of Grant Applications
360.202	Sewer System Evaluation and Rehabilitation
360.203	Facilities Planning
360.204	Covenant Against Contingent Fees
360.205	Areawide Waste Treatment Management Planning

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section	
360.301	General Conditions for all Subagreements
360.302	Construction Contracts of Grantee
360.303	Contracts for Personal and Professional Services -- Consulting Engineering Agreements
360.304	Equal Opportunity
360.305	Compliance with Procurement Requirements
360.306	Disputes
360.307	Indemnity

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION,
AMENDMENT, COMPLETION AND OPERATION OF PROJECT

Section	
360.401	Project Initiation
360.402	Project Changes

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

360.403 Supervision
 360.404 Project Sign
 360.405 Final Inspection
 360.406 Operation and Maintenance

SUBPART E: REQUIREMENTS APPLICABLE TO ACCESS,
AUDITING, AND RECORDS

Section
 360.501 Access
 360.502 Audit and Records
 360.503 Reports

SUBPART F: REQUIREMENTS FOR SEWER USE ORDINANCE,
USER CHARGES AND FLOOD PLAIN INSURANCE

Section
 360.601 Sewer Use Ordinance
 360.602 User Charges
 360.603 Flood Plain Insurance

SUBPART G: INCORPORATED REQUIREMENTS

Section
 360.701 Statutory Conditions
 360.702 Incorporation of Documents

SUBPART H: REQUIREMENTS APPLICABLE TO PAYMENT OF GRANTS

Section
 360.801 Determination of Allowable Costs
 360.802 Amount of Grant-Percentage of Approved Allowable Costs
 360.803 Use of Grant and Payment of Non-Allowable Costs
 360.804 Grant Payment Schedule
 360.805 Other Federal or State Grants

APPENDIX A General Conditions of Construction Contract Documents (Document No. 11 of the Contract Documents for Construction of Federally Assisted Water and Sewer Projects)

APPENDIX B Access to Records -- Audit (Existing Consulting Engineering Agreements) (applicable to consulting engineering agreements entered into between June 30, 1975 and July 1, 1976)

APPENDIX C Required Provisions -- Consulting Engineering Agreements (Applicable to consulting engineering agreements entered into after July 1, 1976)

APPENDIX D Procedures for Determination of Indirect Costs and Indirect Cost Rates

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 4 of the Anti-Pollution Bond Act (Ill. Rev. Stat., 1989, ch. 127, par. 454).

SOURCE: Adopted August 27, 1976; amended at 6 Ill. Reg. 10941, effective September 15, 1982; codified at 7 Ill. Reg. 9295; amended at ____ Ill. Reg. ____, effective ____.

NOTE: Statutory language in subparts A-H is denoted by capital letters.

SUBPART F: REQUIREMENTS FOR SEWER USE ORDINANCE,
USER CHARGES AND FLOOD PLAIN INSURANCE

Section 360.601 Sewer Use Ordinance

a) The grantee must obtain the approval of the Agency of its sewer use ordinance prior to the issuance of the Step 3 grant. The grantee shall demonstrate to the satisfaction of the Agency that a sewer use ordinance or other legally binding requirement will be enacted and enforced in each jurisdiction served by the treatment works project before the completion of construction. The ordinance shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewer system and shall ensure that new sewers and connections to the sewer system are properly designed and constructed.

b) The sewer use ordinance shall require:

1) Pretreatment of any industrial wastes which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance or will otherwise prevent entry of such wastes into the treatment works; and

2) Compliance with any applicable federal or state pretreatment requirements.

c) The sewer use ordinance shall provide that after completion of construction of the sewage treatment facilities which are the subject of this grant, no new direct discharges to the waters of the State shall be allowed from any property within the service area of the grantee.

d) ~~The Agency shall not pay more than 80 percent of the state share of any Step 3 project unless the Agency has approved the grantee's sewer use ordinance or as otherwise provided by a special condition of this grant.~~

d) The ordinance shall prohibit the introduction into the sewer system of industrial waste until General Condition Section 360.602, (User Charges) are met.

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at ____ Ill. Reg. ____, effective ____)
Section 360.602 User Charges

- a) The grantee must obtain the approval of the Agency of its system of user charges prior to the issuance of the Step 3 grant. The Agency shall not pay more than 50 percent of the state share of any Step 3 project unless the grantee has submitted adequate evidence of timely development of its system of user charges not more than 80 percent of such State share unless the Agency has approved such system or as otherwise provided by a special condition of this grant. The grantee shall implement the user charge system before the treatment works is placed in operation.
- b) The Agency may approve a user charge system in accordance with the following criteria:
 - 1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the grantee's service area to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).
 - 2) For the first year of operation, operation and maintenance costs shall be based upon past experience for existing treatment works or some other rational method that can be demonstrated to be applicable.
 - 3) The grantee shall review user charges annually and revise the rates periodically to reflect actual treatment works operation and maintenance costs.
 - 4) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance and replacement required to be provided by the grantee.
 - 5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by other, then the subscribers receiving waste treatment services from the grantee shall have adopted user charge systems. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments or other appropriate authority.

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

- 6) The use of a tax system in lieu of a user charge system, or as a supplement thereto, is specifically disallowed unless it meets federal requirements or unless the tax system is dedicated to support the operation and maintenance of a collection system and where treatment is provided by another municipality.
- 7) The user charge system shall meet such other standards as the Agency may reasonably require in order to assure the continued financial stability of the grantee.
- c) Upon approval of a grantee's system of user charges, the implementation and maintenance of the approved system and the implementation schedules therefore shall become a condition of the grant subject to the provisions of General Condition Section 360.101, (Noncompliance with Grant Conditions) hereof.
- d) The grantee must maintain such records as are necessary to document such compliance. The grantee shall maintain such records in accordance with the provisions of the Local Records Act, Ch. 116 Ill. Rev. Stats. 1975, Secs. 43. 101-43.114, except that no such records may be destroyed for a period of 30 years unless microfilm reproductions are made.
- e) The Agency or any authorized representative shall have access to any books, documents, papers, and records of the grantee which are applicable to the grantee's system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the provisions of paragraph (b) of this general condition.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Rules for the Protection, Treatment and Inventory of Unmarked Human Burial Sites and Unregistered Graves

2) Code Citation: 17 Ill. Adm. Code 4170

3) Section Numbers

<u>Section Numbers</u>	<u>Proposed Action:</u>
4170.100	New Section
4170.110	New Section
4170.200	New Section
4170.210	New Section
4170.300	New Section
4170.310	New Section
4170.320	New Section
4170.330	New Section
4170.340	New Section
4170.400	New Section
4170.410	New Section
4170.420	New Section
4170.430	New Section
4170.440	New Section
4170.500	New Section
4170.600	New Section
4170.610	New Section
4170.620	New Section
4170.630	New Section
4170.640	New Section
4170.650	New Section
4170.700	New Section
4170.710	New Section
4170.720	New Section

4) Statutory Authority: Implementing and Authorized by Ill. Rev. Stat. ch. 127, pars. 2661 et seq.

5) Complete Description of the Subjects and Issues Involved: These rules explain the procedures to be followed for the protection, treatment and inventory of unmarked human burial sites and unregistered graves over 100 years old on private and public lands. The Act requires a permit to be issued by the Illinois Historic Preservation Agency prior to disturbance of this resource.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference: Yes 4170.110, 4170.300

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

a) The definition and interpretation of criteria for the National Register of Historic Places as found in Section 101 of the National Historic Preservation Act of 1966, as amended (80 STAT. 915; 16 U.S.C. 470) and its implementing regulations, 36 CFR Part 60.

b) Minimum professional standards of education and experience for an archaeologist for the purposes of conducting activities in compliance with this Act are those established, through rulemaking, for the Archaeological and Paleontological Resources Act (Ill. Rev. Stat. ch. 127, pars. 133c01, et seq.)

c) The definition of the Illinois Archaeological Site File as found in the Archaeological and Paleontological Resources Protection Act, Ill. Rev. Stat. ch. 127, par. 133c10 and its accompanying regulations.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule does not expand the state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Thomas E. Emerson
Chief Archaeologist
Illinois Historic Preservation Agency
Old State Capitol
Springfield, Illinois 62701

12) Initial Regulatory Flexibility Analysis: The Illinois Historic Preservation Agency has determined that this rule will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER VI: ILLINOIS HISTORIC PRESERVATION AGENCY

PART 4170

RULES FOR THE PROTECTION, TREATMENT AND INVENTORY OF
UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

SUBPART A: PROTECTION OF UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

Section	Purpose of Rules
4170.100	Definitions
4170.110	Discovery of Unmarked Burial Sites, Unregistered Graves and Notification of Authorities
4170.200	Determination of Agency Involvement
4170.210	Permit Application
4170.300	Issuance of Permits
4170.310	Financial Responsibility
4170.320	Suspension and Revocation of Permits
4170.330	Reports Required
4170.340	Disposition of Human Remains
4170.400	Transfer of Jurisdiction Over Human Remains
4170.410	Hearings and Appeals
4170.420	Delegation of Responsibilities
4170.430	Custody and Curation
4170.440	Scientific Treatment and Disposition of Human Remains Transferred to the Illinois State Museum
4170.500	

SUBPART B: PROHIBITED ACTS; PENALTIES

Section	Prohibited Acts; Notification of Agency
4170.600	Criminal Penalties
4170.610	Civil Penalties
4170.620	Civil Damages
4170.630	Penalty Amounts
4170.640	Rewards
4170.650	

SUBPART C: ILLINOIS INVENTORY OF BURIAL SITES

Section	Purpose of Inventory
4170.700	Inventorying of Burial Site
4170.710	
4170.720	Confidentiality

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

AUTHORITY: IMPLEMENTING Sections 3 through 14 and authorized by Section 15 of the Human Grave Protection Act (Ill. Rev. Stat. ch. 127, pars. 2661 et seq.)

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

SUBPART A: PROTECTION OF UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

Section 4170.100 Purpose of Rules

These regulations implement the provisions and intent of "An Act prohibiting the disturbance of human skeletal remains, graves and grave markers unless a permit to do so has been obtained from the Historic Preservation Agency and amending other Acts named therein," (Ill. Rev. Stat. 1989, ch. 127, pars. 2661 et seq., that all human burials and human skeletal remains be accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural background, or religious affiliation. These regulations apply to all prehistoric and historic American Indian, historic Illinoisian, pioneer, Civil War and other human skeletal remains found in unregistered graves, and associated grave artifacts and grave markers found upon or within any public or private land in the State. The protection and preservation of unregistered graves, associated grave artifacts, and grave markers in place is the preferred situation.

Section 4170.110 Definitions

"Act" means Ill. Rev. Stat. 1989, ch. 127, pars. 2661 et seq., "An Act prohibiting the disturbance of human skeletal remains, graves, and grave markers unless a permit to do so is obtained from the Historic Preservation Agency, effective August 11, 1989.

"Adequate historical documentation" is information verifiable through at least two of the following types of independent sources: church records, deeds, maps, and other written and oral sources.

"Agency" means the Illinois Historic Preservation Agency.

"Agency archaeologist" means the chief of the Agency archaeology program.

"Archaeological resources" means any material remains of past human life or activities that are at least fifty (50) years of age, as well as the physical site, location, or context in which those remains are found.

"Attorney General" means the Attorney General of the State of Illinois.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

"Buffer land" means that amount of sufficient contiguous land, submerged or non-submerged, surrounding the burial site necessary to ensure its protection.

"Coroner" means a person defined in "An Act with respect to coroners."

"Cultural-historical affiliation" means an association with a recognized historical age and cultural group (e.g., prehistoric Indian Mississippian culture, historic European colonial culture).

"Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves, and grave markers.

"Director" means the Director of the Agency.

"Field investigation" means the study by a professional archaeologist of the traces of human culture at any land or water location by means of surveying, sampling, excavating, or removing subsurface objects or going on a site with that intent.

"Grave artifacts" means all relics, specimens, or objects of a historical, prehistorical, cultural, archaeological or anthropological nature of human manufacture or use which may be found above or below the surface of the earth and which are associated with human skeletal remains in any unregistered grave.

"Grave markers" are any tombs, monuments, stones, ornaments, mounds, or other item of human manufacture that is associated with an unregistered grave.

"Historic burial site" means:

Any unmarked burial site or unregistered grave which has been listed in the Illinois Register of Historic Places pursuant to Section 6 of the Illinois Historic Preservation Act, has been determined by the Agency, to be eligible for the National Register using the criteria for evaluation in 36 CFR 60.6 or which the Agency has determined to be of historic significance;

Any object, or group of objects, located in or associated with an unmarked burial site or unregistered grave or that enhances an understanding and appreciation of Illinois history; or

Any object, or group of objects, and the district, area or site they define, which may yield significant data but whose value and significance has yet to be determined by the Agency.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

"Historic significance" means that the Director has determined that the unmarked burial site or unregistered grave has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning cultures in Illinois of more than 100 years ago.

"Human skeletal remains" or "human remains" means any part of the body of a deceased person in any stage of decomposition in a context indicating substantial evidence for an intentional or unintentional burial; or, a disarticulated or articulated skeleton.

"Illinois Archaeological Site File" shall be as defined in the Archaeological and Paleontological Resources Protection Act, Ill. Rev. Stat. 1989, ch.127, par. 133c10 and its accompanying regulations.

"Interest" means an interest based on any of the following:

Kinship;

A related group;

A scientific, environmental or educational purpose;

Land use; or

Any other interest which the Agency deems to be in the public interest.

"Inventory" means the Illinois Inventory of Burial Sites as described in Part C hereof.

"Inventoried burial site" is a piece of land that has a record of having buried human remains or any burial site that is already recorded with the county register of deeds, in the Illinois Archaeological Site File or in the Inventory but does not include cemeteries registered with the State Comptroller under the Cemetery Care Act (Ill. Rev. Stat. 1989, ch. 21, para. 64.1 et seq.)

"Kinship" or "kin" means lineal, affinal or legal descent, whose biological or affinal relationship can be demonstrated by genealogy, legal documentation, or forensic methods.

"Material remains of past human life or activities" refers to any physical evidence of human habitation, occupation, use or activity. Such items of evidence include, but are not limited to:

surface, subsurface, or submerged structures (a specific example includes, but is not limited to, shipwrecks).

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

shelters;

facilities (specific examples include, but are not limited to, forts and mines);

features (specific examples include, but are not limited to, domestic structures, human-made mounds, earthworks, canals, reservoirs, horticultural garden areas, rock alignments, cairns, kilns, and post molds);

surface or subsurface concentrations or scatters of artifacts;

whole or fragmentary tools, implements, containers, weapon projectiles, clothing, and ornaments (specific examples of these include, but are not limited to, pottery and other ceramics, basketry, cordage, weavings, coins, bullets, bottles, and other glassware, flaked stone, bone, metal, wood, hide, feathers, and pigments);

by-products of manufacture or use of human-made or natural materials;

organic waste (specific examples include, but are not limited to, vegetal and animal remains, coprolites);

rock carvings, rock paintings, intaglios, and other works of artistic or symbolic representation;

rockshelters or caves containing any of the foregoing materials,

the physical site or location of any of the foregoing, or any portion or piece of any of the foregoing.

Coins, bullets and unworked minerals and rocks shall not be considered archaeological resources for purposes of the Act unless found in a direct physical relationship with archaeological resources as defined in this section.

"Museum" means the Illinois State Museum.

"Museum Director" means the Director of the Illinois State Museum.

"Owner of record" means the person in whose name the property appears on the records of the County Recorder of Deeds.

"Permit" means a permit issued by the Agency pursuant to these Regulations.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, institution, corporation or a receiver, trustee, guardian or other representatives appointed by order of the court, the Federal and state governments including state Universities created by statute or any city, town, country or other political subdivision of this state, or any officer, employee, agent, department, or instrumentality of the United States, or of any Indian tribe, or of any State or political subdivision thereof.

"Professional archaeologist" shall be defined as in the Archaeological and Paleontological Resources Protection Act, Ill. Rev. Stat. 1989, ch. 127, par. 133c9 and its accompanying regulations.

"Public lands" means any land owned or administered by the State of Illinois or any agency or department thereof, a State university created by statute, a municipality or a unit of local government.

"Related Group" means the governmental body or recognized leaders of an Indian tribe, religious organization, ethnic affiliate, or other group that can make a claim based on past legitimate control or custody of the human skeletal remains, unmarked graves, and grave markers. For the purposes of these regulations an Indian tribe means any Federally recognized Indian tribe or band that can be historically documented to have inhabited lands located within the State of Illinois and that can demonstrate ownership or control of a particular burial site; a religious organization means an organized religious group recognized by federal internal revenue service tax exemption or a traditional Indian religious group, pursuant to federal regulations established under the American Indian Religious Freedom Act (42 USC 1996) that can demonstrate ownership or control of a particular burial site; and an ethnic affiliate means a non-American Indian historic immigrant nationality or ethnic group of European, African, or Asian origin that can demonstrate ownership or control of a particular burial site.

"Site" means all aboriginal mounds, forts, earthworks, village locations, burial grounds, historic or prehistoric ruins, mines, caves, or locations of past human life or activities which are the physical location of archaeological resources or may be the source of grave artifacts.

"Treatment" means traditional ethnic, religious, or tribal activities of a ethnic, religious, or tribal group associated with the final disposition of human remains.

"Unmarked burial site" means any interment of human skeletal remains for which there exists no grave marker or any other historical documentation and that was not previously known or recorded.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

"Unregistered grave" means any grave, or location (including any unmarked burial site) where a human body has been buried or deposited; is over 100 years old and is not in a cemetery registered with the State Comptroller under the Cemetery Care Act.

Section 4170.200 Discovery of Unmarked Burial Sites, Unregistered Graves and Notification of Authorities

- a) Notification of Coroner. Any person knowing or having reasonable grounds to believe that an unregistered grave or unmarked burial site is being disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible, notify the coroner of the county in which the remains are known to be or believed to be located. Any discovery of human skeletal remains by any person shall be reported as soon as possible to the coroner of the county in which the unregistered grave is located.

- b) Discovery Of An Unregistered Grave Other Than During An Archaeological Excavation. When an unregistered grave is discovered other than during an archaeological excavation subject to regulation by the Agency, all activity that may disturb the unregistered grave shall cease immediately, and the coroner shall be notified. Such activity shall not resume unless specifically authorized by the coroner if the coroner maintains jurisdiction or by the Director if the Agency assumes jurisdiction.

- 1) If the coroner finds that the unregistered grave may be involved in a legal investigation or represents the burial of an individual who has been dead less than 100 years, the coroner shall assume jurisdiction over and responsibility for such unregistered grave and human remains, and no other provisions of this section shall apply. The coroner shall have 10 days after being notified of the unregistered grave to determine if the coroner shall maintain jurisdiction or refer the matter to the Director.

- 2) If the coroner finds that the unregistered grave is not involved in a legal investigation and represents the burial of an individual who has or is presumed to have been dead 100 years or more, the coroner shall notify the Director, and the Agency shall assume jurisdiction over the unregistered grave and human remains.

- c) Discovery Of An Unmarked Burial Site or Unregistered Grave During An Archaeological Field Investigation.

- 1) When an unmarked burial site or unregistered grave is discovered as a result of an archaeological field investigation and the archaeologist finds that the unmarked burial site or unregistered grave represents the burial of an individual who has been dead less than 100 years,

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

the archaeologist shall notify the coroner, and all activity that may disturb the unmarked burial site or unregistered grave shall cease until the coroner authorizes work to resume.

- 2) If such a unmarked burial site or unregistered grave represents the burial of an individual who has or is presumed to have been dead 100 years or more, the coroner and the agency archaeologist shall be notified, and archaeological activities in the burial site area may not resume until the Agency authorizes the work to resume.
- 3) Within 15 days after the discovery of an unmarked burial site or unregistered grave of an individual who has or is presumed to have been dead 100 years or more, the archaeologist conducting the excavation shall report to the Director an opinion regarding the cultural and biological characteristics of the unmarked burial site or unregistered grave and where human skeletal remains and associated burial artifacts should be held prior to delivery to the Museum.

- d) Notification of Owner of Record of Permit Requirements.

- 1) If a disturbance or impending disturbance of an unmarked burial site or unregistered grave is reported to the Director by a person other than the owner of record, the Director shall notify the owner of record of the burial site by telephone if possible and by certified letter, return receipt requested, of the reported disturbance of the burial site, the requirement that a permit be obtained prior to such disturbance and the liabilities and penalties upon the owner of record for any violation of the Act. The Director may notify any other person who may have an interest in the burial site.

- 2) In instances where the disturbance or impending disturbance of an unmarked burial site or unregistered grave for which specific legal boundaries have not been determined is reported to the Director, the Director may require all activity that may disturb the unmarked burial site or unregistered grave to cease until specific legal boundaries can be determined. Such activities shall not resume unless specifically authorized by the Director. The Director may require an archaeological field investigation be conducted to determine the specific legal boundaries and to determine the type of the burial or archaeological resource.

Section 4170.210 Determination of Agency Involvement

Whenever the Agency assumes jurisdiction over an unmarked human burial site or unregistered grave, the Director shall:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

a) Director's Obligations. Determine whether the unmarked burial site or unregistered grave is of historic significance and if it is possible to preserve in place. If the unmarked burial site or unregistered grave is significant and cannot be preserved in place, the Agency may prepare a mitigation, disposition, and curation plan. If the discovery of the unmarked burial site or unregistered grave was discovered as the result of agricultural, mining, construction or like activity, the Agency shall have fourteen (14) days to prepare such a plan. If no agricultural, mining or construction activity is involved, the Agency shall have ninety (90) days to propose such a plan. Any mitigation plan developed by the Agency shall be carried out in accordance with the following:

- 1) the consent of the owner of record shall be required for the execution of any mitigation plan;
- 2) in discoveries related to development where land alteration project activities exist, the owner of record or the owner's agent shall be responsible for the funding and execution of the mitigation, disposition, and curation plans in accordance with the requirements of the Director. Delays shall not count against any contractor's completion date agreement;
- 3) project activities shall resume once necessary archaeological excavations of the mitigation plan have been completed; and
- 4) the Director may, with the permission by the owner of the land, recommend that a general archaeological field investigation of the unmarked burial site or archaeological site be conducted by a professional archaeologist.

b) Identification of Relationships to Burial. Make reasonable efforts to identify and locate persons who can establish kinship or related group relationships with the individual or individuals whose remains constitute the unmarked burial site or unregistered grave. The Director may, but shall not be required to, publish notice of any excavation of human remains in a newspaper of general circulation in the county where the burials or skeletal remains were situated, in an effort to determine the identity or kin or both of the deceased. If such notice is published, treatment and ultimate disposition of the human remains shall be subject to the written permission of the kin who notify the Director within 30 days of the last published notice. If possible, the Director shall consult with the closest related family member or recognized leaders if a related group relationship is established, in determining the proper final disposition of the remains found in the unmarked burial site or unregistered grave.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

a) Application by Non-Governmental Owner of Record. If the non-governmental owner of record or the owner's agents desire to remove human remains, the owner of record must apply to the Director for a permit. Upon receipt of the application, the Agency will assist the applicant in preparing a mitigation plan for the removal of the human remains from the unmarked burial site or unregistered graves. The application shall contain information the Agency deems necessary, including the following:

- 1) The applicant's name and address.
 - 2) The circumstances surrounding discovery of the human remains, unmarked burial site or unregistered grave.
 - 3) The applicant's knowledge of the nature of the remains (e.g., Protestant, Indian, pioneer, Civil War or other).
 - 4) The nature and purpose of the proposed disturbance requiring removal.
 - 5) Special circumstances demonstrating that preservation in place is not feasible and removal is in the public interest, citing economic, construction, or social needs (e.g., contemporaneous construction or development of the property, agricultural activity, mining etc.) requiring expedition in removing the remains.
 - 6) The permit applicant's proposed funding source, timetable, and available professional expertise for removing the human remains, and the unmarked burial site or unregistered grave.
- b) Application by a Governmental Body, Professional Archaeologist, or Person other than the Owner of Record. Any governmental body, professional archaeologist, or person other than the owner of record seeking to disturb an unregistered grave must apply to the Director at least four (4) months before the proposed starting date of the proposed project. The applicant must submit two (2) copies of an application proposal to the Agency containing information with respect to:

- 1) The significant archaeological/scientific research questions that the research will investigate. If the site is on public lands the applicant must justify why such investigations can only be undertaken at the site in question or why that site is the optimum choice for those investigations. If the permit request is project-related the applicant must describe the nature and purpose of the proposed disturbance and justify why preservation of the burial area in place is not feasible and removal is in the public interest. The proposal must be sufficiently detailed to allow the Director to arrive at an objective evaluation of the research design, site justification, field methodology, curation, timeframe, and techniques.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 2) The nature and extent of the work proposed, locating maps, proposed time schedule for excavation, analysis and report preparation, and proposed outlet for public written dissemination of the results.
- 3) The names and addresses of the person(s) proposed to be responsible for conducting the work, including detailed resumes of the key project personnel including (e.g., the principal investigator, field director and staff directing any specialized analysis proposed), institutional affiliation, if any, and evidence of education.
- 4) Evidence that personnel named as responsible for site excavations in subsection (b)(3) of this section are certified as professional archaeologists under the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. ch. 127, pars. 133c.01 et seq.) as Field Archaeologists, Class II or III.
- 5) Evidence that all burial excavations and analysis will be performed under the direction of a skeletal analyst certified under subsection (f) of this section.
- 6) The names and addresses of the person(s), if different from the person(s) named in subsection (b)(3) of this section, proposed to be responsible for carrying out the terms and conditions of the permit.
- 7) Evidence of the applicant's ability to initiate, conduct, and complete the proposed work within the proposed timeframe, including evidence of funding, logistical support, laboratory facilities, and evidence of past timely and successful completion of similar scale projects.
- 8) Evidence that an adequate program of site security to protect human remains from theft or vandalism will be maintained during all work performed under this permit.
- 9) Evidence that written consent has been obtained from the owner of record for work proposed on such owner's land.
- 10) Evidence that, in the case of public lands, written consent has been obtained from the agency archaeologist.
- 11) In cases where the specific legal boundaries of an unregistered grave have not been defined, the Director may require the applicant submit to the Director a survey to determine the specific legal boundaries and to determine the type or class of burial site.
- 12) If the applicant wishes to disturb the area within the specific legal boundaries or known area of a historic or inventoried burial site,

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- the Director shall send the applicant the names of all persons in the inventory who have indicated an interest in such site or class of sites and the forms to notify these persons of the applicant's request. This form shall state the purpose of the disturbance and information on the right of interested persons to request a hearing by the Director as to the proposed disturbance.
- 13) The applicant shall send letters of notification to persons in the inventory listed as having an interest in a historic burial site by certified mail, return receipt requested.
 - 14) Evidence, with the written concurrence of the Museum, that any university, museum, or other scientific or educational institution proposed in the application as a temporary repository of materials possesses adequate curatorial capability for safeguarding and preserving the archaeological resources and all associated records during the term of the permit.
 - 15) The applicant has certified that, not later than 90 days after the date the final report is submitted to the Agency all artifacts, samples, collections, and copies of records, data, photographs, and other documents resulting from work conducted under the requested permit will be delivered to the Museum in a format consistent with the Museum's curation policy.
 - c) Emergency Excavations. In instances where an unregistered grave is accidentally uncovered on private lands, and it is not feasible to leave the burial in place, the Director may, if weather and schedules permit, authorize the excavation and analysis of the remains at no cost to the owner of record by a professional archaeologist or skeletal analyst approved by the Director. All costs related thereto shall be borne by the professional archaeologist or skeletal analyst or other person employing or authorizing such excavation and analysis.
 - d) Exceptions.
 - 1) No permit shall be required under this part for any person conducting activities under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of human skeletal remains, grave artifacts, grave markers from unregistered graves. General earth-moving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal as used in this Section. However, if during the course of such work, an unregistered grave is discovered, the provisions of Section 4170.200 of this Act are applicable.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 2) No permit shall be required under the auspices of this Act for any person collecting on private lands for private purposes any paleontological remains or any rock, coin, bullet, or mineral provided that such collecting does not result in disturbance of any burial site or unregistered graves.
- 3) No permit is required where the proposed work consists of archaeological survey and/or data recovery undertaken and agreed to in writing by the Agency pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f), or pursuant to the State Agency Historic Resources Preservation Act (Ill. Rev. Stat. ch. 133c21 et seq.), or the activities permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. 1201 et seq.) or the rules and regulations promulgated thereunder or under any law, rule or regulation adopted by the State of Illinois thereunder.
- e) Excavation by Agency Personnel. Persons carrying out official agency duties required under the Act need not follow the permit application procedures of this section. However, the Agency shall insure that appropriate procedures have been followed by other documented means.
- f) Certification of Skeletal Analyst. The following establish minimum standards of education and experience to be certified as a skeletal analyst for the purpose of conducting activities under the Act. The applicant must have:
 - 1) designed and executed a human osteological study as evidence by a graduate thesis or dissertation, or a report equivalent in scope and quality and have been awarded a graduate degree, from an accredited institution, in archaeology, anthropology, or another germane discipline with a specialization in human osteology. It is recognized that in some cases an individual may have prepared several small reports that, cumulatively, may be comparable to a graduate thesis. The report(s) must indicate substantive analysis based on an explicitly theoretical orientation.
 - 2) six months of supervised analytical training/experience in the identification, analysis, and interpretation of human osteological remains, which may be accumulated on a part-time basis.
- g) Application for Certification. Any individual wishing to apply for certification under this Act as a skeletal analyst shall submit a letter of request with appropriate documentation to the agency archaeologist. Documentation should be sufficient to demonstrate the applicant fulfills the requirements of subsection (f)(1-2) of this section.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- h) Restrictions Under Other Laws. Under Federal and other Illinois statutory, regulatory, or administrative authorities governing the use of public lands authorizations may be required for activities which do not require a permit from the Agency. Burial investigations carried out on public lands shall conform with the requirements of the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1989, ch. 127, pars. 133c.01 et seq.). Any person wishing to conduct on public lands any activities related to, but believed to fall outside the scope of the Act and these regulations should consult the Agency or the authority believed to have authority with respect to such activity for the purpose of determining whether any authorization is required.

Section 4170.310 Issuance of Permits

- a) Generally. Any permit may contain any terms, conditions or limitations the Agency deems necessary to achieve the intent of the Act. A permit shall identify the person responsible for carrying out the terms and conditions of the permit.
- b) Notification and Consultation With Respect To Related Group Sites. If a permit to be issued may result in harm to, or destruction of, any related group site, as determined by the Director before issuing such permit, the Director shall notify and consult with a local representative of the affected group. Notwithstanding such consultation, the Agency shall have sole discretion in granting or denying any permit.
- c) Permits For Archaeological Burial Excavations. A permit shall be issued pursuant to an application if, after any notifications, consultations and hearings required the Director finds that:
 - 1) The applicant is qualified to carry out the permitted activity;
 - 2) The proposed activity is undertaken, in the public interest, for the purpose of furthering archaeological or scientific knowledge or to allow economic development or construction to proceed;
 - 3) The currently available technology and the technology the applicant proposes to use are such that the significant information contained in the archaeological resource can be retrieved;
 - 4) The funds and the time the applicant proposes to commit are such that the significant information contained in the archaeological resource can be retrieved;

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 5) The archaeological resources which are collected, excavated or removed and associated records and data, and, if unclaimed, human skeletal material, will remain the property of the State of Illinois and will be cared for by the Museum. With the approval of the Museum Director, such materials will be available for loan under the provisions of the Museum loan policy;
- 6) The applicant shall bear the financial responsibility for the cost of reimbursement or other treatment, if required by the Director, of any human burials or human skeletal remains excavated or removed as a result of the permitted activities;
- 7) At the discretion of the Museum Director, the applicant may bear the financial responsibility for the cost of curation at the Museum of all archaeological resources, associated records and data, and skeletal remains excavated or removed as a result of the permitted activities.
- d) Denial of Permits. The Director shall not recommend the approval of an application under Section 4170.300 (a) or (b) of this Act if:
 - 1) in the case of economic development or construction, there are reasonable and feasible alternatives to removal of the human remains, or
 - 2) in the case of archaeological or scientific research, such research is not deemed to be scientifically significant or necessary, or
 - 3) the proposed funding level is not sufficient to complete the proposed project; or
 - 4) the application is inadequate, or if any part of the application is found to be deficient, or
 - 5) there is any question as to the ownership of the resulting materials, or
 - 6) the key project personnel are not adequately trained or lack sufficient experience to successfully complete the proposed project, or
 - 7) the facilities and institutional support for the applicant are inadequate to successfully complete the project, or
 - 8) the applicant or institution has not satisfactorily complied with the conditions of past permits issued under this Act or under the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. ch. 127, pars. 133c-01 et seq.), or

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 9) the applicant or institution has a demonstrated history, within the previous five (5) years, of not completing similar scale archaeological projects in a timely and successful fashion.
- (e) Permit Conditions. In all permits issued, the Agency shall specify:
 - 1) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location, and purpose of the work.
 - 2) The name of the person(s) responsible for conducting the work and, if different, the name of the person(s) responsible for carrying out the terms and conditions of the permit.
 - 3) In order to minimize damage to lands and to artifacts, specimens or materials to be removed and in order to insure the recording and preservation of significant data regarding those artifacts, specimens, materials or sites, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal, the procedures to be followed in documenting the removal and the matters to be covered in the report or reports required to be provided pursuant to Section 4170.340 of this Act.
 - 4) The permit may require that an authorized representative of the State be present to witness and document the removal of artifacts, specimens or materials from the unregistered grave.
 - 5) A copy of the issued permit shall be on file with the Agency and the Museum.
 - 6) Unless permit length is defined within the terms of the permit, each permit shall expire at midnight one (1) year after the date of its issuance. Any permit may be revoked by the Director, at any time, upon being convinced that activities are not being conducted under the terms and conditions of the permit.
 - 7) One copy of the permit shall be at the site of the project, either in the possession of the owner of record, the principal investigator of the project or a designated professional archaeologist at the project site.
 - 8) The permit may be examined by the Agency, the Museum, their designated representatives, or the public on demand at any time during the period of the permit.
 - 9) All permits for archaeological investigations issued by the Director are conditional on the applicant demonstrating to the Director, at

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

least thirty (30) days before initiation of fieldwork, that the project is fully and adequately funded. The applicant must detail in writing the amount and source of all funding.

- 10) The Agency may specify such other terms and conditions as deemed necessary, consistent with this section, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under a permit.

- f) Initiation Deemed Acceptance. Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.

- g) No Release Until Obligations Satisfied. The permittee shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

- h) Extension and Modification. The permittee may request that the Agency extend or modify a permit.

- i) Permits For Term In Excess of One Year. The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the Agency, at least annually.

Section 4170.320 Financial Responsibility

The permit applicant shall bear the cost of the excavation, removal, analysis and disposition.

Section 4170.330 Suspension and Revocation of Permits

- a) Suspension of Permits. The Director shall suspend a permit, until conditions leading to the suspension are rectified, if there are indications that:

- 1) Any facts in the proposal were misrepresented, or
- 2) The research design and/or methodology has been changed without authorization from the Director, or
- 3) There are violations of the permit conditions, or
- 4) Public health or safety are endangered.

- b) Revocation of Permit. The Director shall permanently revoke a permit if, after investigation, it is clear that:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 1) Facts in the permit application were willfully misrepresented, or
- 2) The permittee refuses to conform to the conditions set forth in the permit as issued by the Director.

Section 4170.340 Reports Required

A final report shall be submitted to the Agency and the Museum within the timeframe established in the permit from those persons whose permits were issued pursuant to Section 4170.300(a) and (b) of this Act. This report will include the following:

- a) Transmittal Statement by the Owner of Record. This statement will substantiate:
 - 1) The final disposition of the human remains.
 - 2) Evidence of the transfer of any excavated or removed grave artifacts or associated historical, cultural or archaeological resources to the Museum.
- b) Report By Professional Archaeologist and Skeletal Analyst. Professional archaeologists shall provide evidence that the land on which the excavation occurred has been returned to its normal use or the use interrupted by the discovery of the human remains. The professional archaeologist and/or skeletal analyst shall also provide the Agency and the Museum with counterpart copies of reports containing the following information:

- 1) Title Page. Each report should have a title page which specifies the author, principal investigator, institution or association, contractor and source of funds, title of report including the nature and location of work, and the date the report was prepared.
- 2) Abstract. The abstract should include a clear summary indicating the purposes, location, result of fieldwork, and laboratory analysis if applicable, and any recommendations of the report. The abstract should include enough information that it could be quoted as a summary statement in preparing a statement regarding action(s) in complying with this Act.
- 3) Table of contents. This is necessary only in the case of reports exceeding ten pages in length. The table of contents should provide page locations for the various report subdivisions as well as for figures, tables, references cited, and appendices.
- 4) Introduction. The introduction should briefly summarize the purpose of the investigations and the scope of work (contract requirements), including any agencies involved, dates of work, principal personnel,

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

and landowners.

- 5) Physical setting. As it relates to an understanding of the nature of a burial site. Information should be presented on the geomorphology, soils, vegetation, current land use, potential for burial preservation, and any other such pertinent data. A map showing the location of the project in the state should be included, as well as a USGS map and any additional maps that clarify location and setting.
- 6) Context. A summary of any previous archaeological and/or historical record of the burial site(s), should be provided. The focus shall be on providing information that would aid in understanding and evaluating the importance of the burial site(s) in the study. This section should include a description of the information sources consulted including published material, site files, unpublished manuscripts, and informants.
- 7) Methods. An explicit statement of procedures used to collect and evaluate the burial site field and laboratory data and rationale for the particular procedures utilized should be included in the report. The overall field strategy and the techniques used in the survey and/or excavation should be specified. Maps showing the areas actually covered by on-the-ground inspection should be included if more than one technique was used in the work, maps or text should specify the techniques used in each particular subarea. Each map should be clear, of appropriate scale and should contain a north arrow, caption, and key to symbols used. The techniques and equipment used in collecting and analyzing skeletal and associated data should be specified (e.g., types of preservatives and adhesives used in stabilizing the skeletal material, type(s) of instruments used in making measurements, statistical techniques employed in the analysis, etc.)
- 8) Results. The results of field and/or laboratory investigations should be presented (along with supportive data) and a synthesis of the work given. This section should include site descriptions of all burial sites surveyed or excavated. The descriptions should include, if applicable, a complete discussion of the site's historical or archaeological context.
- 9) Description of Burials. The number and nature of burials (including type of burial, positions, etc.) and a description and analysis of all associated artifacts and/or features must be included in this discussion. Additionally, a scale map with the positions of each burial should also be provided. If laboratory skeletal analysis is being reported, the report shall include, but is not limited to an inventory of the bones and teeth recovered, a description of the general condition of the remains, a description and analysis of any

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- traumas and pathological conditions, assessments of age, sex, stature, population affiliation, and an evaluation of cultural/historical, ethnic, and tribal affiliation, a description and analysis of standard cranial and postcranial measurements and nonmetric traits, and evidence used in the identification of specific individuals.
- 10) Supporting data. Supportive data for the report should include lists and descriptions of material remains, illustrations of artifacts and pertinent skeletal parts, photographs of the site(s) and the project area figures of excavation details (profiles, plan maps, etc.) should also be included. The synthesis should evaluate the burial sites, burials, skeletal population, cultural/historical context of all of the former in relationship to the overall scope of the project and in relationship to pertinent cultural, historical, or archaeological questions.
 - 11) Identification. The report shall, if possible, clearly present the evidence to establish kin, related group, and/or cultural-historical affiliation.
 - 12) Recommendations. Recommendations regarding the preservation or mitigation of the burial site(s) must be given. A discussion of future research potential of any skeletal remains recovered in excavations must be given.
 - 13) Supplementary statements. The location where the materials and records have been deposited and are being cared for must be specified in the report. The nature of the records and curation facility must also be noted.
 - 14) Bibliography. References to the files, literature, and oral reports which are applicable to the project must be included in the bibliography.
- c) Consultation on Report Findings. If the report is unable to establish a kinship or related group relationship, or a cultural-historical affiliation for the human remains the Director may seek, at the Director's discretion, additional information from persons with relevant experience, including, for example:
- 1) A human skeletal analyst;
 - 2) The governmental body of the Indian tribe most likely to be related to the deceased Indian if the remains are those of an Indian;
 - 3) A representative of the ethnic group most likely to be related if the remains are not those of an Indian; or

- 4) An person who has special knowledge or experience regarding the particular type of unregistered grave.
- 5) The Chairman of the Anthropology Section at the Museum.

Section 4170.400 Disposition of Human Remains

- a) Remains Identified By Kin. If the kin can be identified by the Director, they shall have the authority concerning the ultimate disposition of the remains.
- b) Remains of a Related Group. If the human skeletal remains are identifiably part of a related group the Director, after consultation with appropriate group leaders, shall attempt to locate a descendant. If no descendant is located, disposition of the remains shall be in accordance with the desires of such related groups.
- c) No Kin or Related Group Identified. Whenever the Director is unable to identify kin or related group, or the kin or related group identified fails to make a recommendation, the Director shall transfer jurisdiction of the remains to the Museum which shall treat the remains in accordance with their existing policies.
- d) Reinterment. Any person awarded disposition of the remains for reinterment shall submit a witnessed and notarized statement to the Director within 60 days of acquiring the remains, or within 60 days of when ground conditions allow reinterment, stating that the agreed upon reinterment has been completed.

- 1) If the human remains are reinterred, the Director shall be provided the information necessary to inventory the unmarked burial site by the permittee.

- 2) If the Director concurs, skeletal remains may be reinterred by the owner of record with appropriate dignity at another location on the property in a location not subject to further subsurface disturbance.

- f) Other Disposition. Any person awarded disposition of the remains for purposes other than reinterment shall submit a witnessed and notarized statement to the Director within 60 days of acquiring the remains, that states that the agreed upon treatment has been established.

Section 4170.410 Transfer of Jurisdiction Over Human Remains

Upon notification by the agency archaeologist that the Agency has fulfilled its responsibilities under this Act, the Director shall inform the Museum Director, in writing, that:

- a) the human remains have been transferred to the kin or related group for disposition, or
- b) jurisdiction over the human remains is being transferred to the Museum.

Section 4170.420 Hearings and Appeals

Hearings and appeals shall be conducted in accordance with standard Agency procedures.

Section 4170.430 Delegation of Responsibilities

If the Agency and the Museum agree, the responsibilities, in whole or in part, of the Agency and the Museum under these Regulations may be delegated through a memorandum of understanding. Such a memorandum of understanding will be subject to periodic review at the initiation of either the Agency and the Museum.

Section 4170.440 Custody and Curation

- a) Title to Remains, Grave Markers and Grave Artifacts. Human skeletal remains, grave markers, and grave artifacts excavated or removed from unregistered graves remain the property of the State of Illinois. All articles, implements and material found or discovered by such disturbances, investigations, explorations, or excavations, which shall be delivered to representatives of the Museum within ninety (90) days after the permit termination date.
- b) Archaeological Reports and Field Records. All original field records, notes, photographs and other information collected or reasonable facsimiles of those records, notes, photographs and other information shall be housed in the Museum.
- c) Distribution of Artifacts and Materials by the Museum. All collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information and objects collected may be made available for study under the provisions of Museum policy.

Section 4170.500 Scientific Treatment and Disposition of Human Remains Transferred to the Illinois State Museum

- a) Acquisition. The Museum will accept transfer of human remains from permittees under this Act and the Agency. A report describing the terms, conditions, and context of the remains shall be submitted to the Museum at the time of the transfer.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- b) Transfer of Remains. Human remains collected by individuals prior to August 11, 1989 may be transferred to and accepted by the State if the Director determines they are of potential historical significance. The Director may require individuals making such transfers to comply with Section 100.9 of this Act. Upon receipt of the remains the Director shall implement disposition and transfer procedures as outlined in Sections 100.10 and 100.11 of this act.
- c) Identification of Remains. The Agency shall provide the Museum documentation with all transferred remains of attempts to identify and contact kin or related groups. If such kin or related groups can be subsequently identified the Museum shall contact them to determine their recommendations on the treatment and disposition of the remains.
- d) Evaluation of Claims. Persons may submit to the Museum Director documentation demonstrating their relationship to specific remains. The Museum Director will review these documents on a case by case basis within 60 days and will notify those persons of the decision. Recognized kin or recognized leaders of related groups will have 60 days to forward in writing to the Museum Director their desires for treatment and/or disposition of the remains.
- e) Resolution of Disagreements. In the event of a disagreement between the Museum and a related group over decisions rendered under the provisions of this policy, the Museum will request a resolution from an impartial third party as arbitrator as authorized under the law of Illinois. If a third party resolution is unacceptable to either party, a final determination may be adjudicated.
- f) Scientific Treatment of Remains. The Museum will ensure that all remains under its care will be maintained with dignity and respect.
- 1) The Museum will make human remains available to qualified researchers for the purpose of scientific inquiry. Research proposals must address the purpose of the study, research design, and analytical methods and techniques. Human remains may be examined at the Museum, or borrowed by another Museum or educational institution. Study proposals are reviewed by the Museum Director. Upon completion of the study, two (2) copies of the full report describing the analysis, its results, and significance shall be submitted to the Museum and the Agency.
- 2) Human remains will be exhibited only in exceptional cases where the exhibit (i) conveys an understanding of the lives of peoples who live or lived under different circumstances and (ii) insofar as they are an integral part of evidence of the past and contribute to an understanding of human culture. In the event that the remains are affiliated with kin or a related group, those persons will be consulted as to the effectiveness of the display and its sensitivity

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

to their religious or philosophical beliefs.

- f) Disposition of Remains.
- 1) The Museum will return human remains to kin or related groups at their request after the remains have been formally deaccessioned from the Museum's collection. Upon approval of the deaccession request by the Museum Director, the Museum will notify kin or related groups when the remains are available for transfer. Remains will be returned to kin or related groups at the Museum upon signature of a receipt of transfer.
- 2) In instances where neither kin nor related groups may be identified, or at the request of such kin or related groups, human remains will be curated by the Museum with care and dignity. Such remains will be curated in a secure environment with restricted access.
- SUBPART B: PROHIBITED ACTS; PENALTIES
- Section 4170.600 Prohibited Acts; Notification of Agency
- a) Discovery of Human Remains in Unregistered Grave. Any person who discovers human skeletal remains subject to this Act shall promptly notify the coroner. Any person who knowingly fails to report such a discovery within 48 hours is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner has already been so notified.
- b) No Disturbance Permitted. It is unlawful for any person, either by himself or through an agent, to knowingly disturb human skeletal remains and grave artifacts or a grave marker in unregistered graves protected by this Act except upon written application made to the Director for a permit therefore and upon the issuance and according to the terms of a permit granted therefor by the Director or exempted by Section 4170.310(e).
- c) No Sale Or Other Transfer of Human Remains, Grave Markers or Grave Artifacts. It is unlawful for any person either by himself or through an agent, to sell, purchase, exchange, transport, possess, or receive any human skeletal remains, grave artifacts or grave markers with the knowledge that they have been collected or excavated in violation of this Act.
- d) Permit Required. It is unlawful for any person, either by himself or through an agent, to knowingly allow the disturbance of human skeletal remains, unregistered graves, or grave markers on property controlled by that person unless such disturbance is authorized by a permit issued by the Agency.
- e) Notification of Agency. The persons aware of any violations of this Act should contact the Agency.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

Section 4170.610 Criminal Penalties

- a) Class A Misdemeanor-Violations. Any violation of Sections 4, 6 or 7 of the Act is a Class A misdemeanor. A violator is subject to imprisonment for not more than one year and a fine not in excess of \$10,000. Any subsequent violation is a Class 4 felony. Each disturbance of an unregistered grave constitutes a separate offense.
- b) Class B Misdemeanor-Violations. Any violation of Section 5 of the Act is a Class B misdemeanor and the violator shall be subject to imprisonment for not more than 6 months and a fine not in excess of \$500. Any subsequent violation is a Class A misdemeanor. Each disturbance of an unregistered grave, grave marker or grave artifacts constitutes a separate offense.

Section 4170.620 Civil Penalties

- a) Authority to Assess Civil Penalty. The Agency may assess a civil penalty against any person who has violated any prohibition contained in the Act, any regulation promulgated by the Agency pursuant to the Act or any term or condition included in a permit.
- b) Notice of Violation. The Agency shall serve a notice of violation upon any person believed to be subject to a civil penalty, either in person or by registered or certified mail (return receipt requested). The Agency shall include in the notice:
 - 1) A concise statement of the facts believed to show a violation;
 - 2) A specific reference to the provision(s) of the Act, or permit allegedly violated;
 - 3) The amount of penalty proposed to be assessed, including any initial proposal to mitigate or remit where appropriate, or a statement that notice of a proposed penalty amount will be served after the damages associated with the alleged violation have been ascertained;
 - 4) Notification of the right to file a petition for relief pursuant to subsection (d) of this section, or to await the Agency's notice of assessment, and to request a hearing in accordance with subsection (g) of this section. The notice shall also inform the person of the right to seek judicial review of any final administrative decision assessing a civil penalty.
- c) Alternatives in Response to Notice of Violations. The person served with a notice of violation shall have [30] calendar days from the date of its service

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

(or the date of service of a proposed penalty amount, if later) in which to respond. During this time the person may:

- 1) Seek informal discussions with the Agency;
- 2) File a petition for relief in accordance with subsection (d) of this section.
- 3) Take no action and await the Agency's notice of assessment;
- 4) Accept in writing or by payment the proposed penalty, or any mitigation or remission offered in the notice. Acceptance of the proposed penalty or mitigation or remission shall be deemed a waiver of the notice of assessment and of the right to request a hearing under subsection (g) of this section.
- d) Petition for relief. The person served with a notice of violation may request that no penalty be assessed or that the amount be reduced, by filing a petition for relief with the Agency within [30] calendar days of the date of service of the notice of violation (or of a proposed penalty amount, if later). The petition shall be in writing and signed by the person served with the notice of violation. If the person is a corporation, the petition must be signed by an officer authorized to sign such documents. The petition shall set forth in full the legal or factual basis for the requested relief.
- e) Assessment of penalty.
 - 1) The Agency shall assess a civil penalty upon expiration of the period for filing a petition for relief, or upon completion of informal discussions, whichever is later.
 - 2) The Agency shall take into consideration all available information, including information provided pursuant to subsection (c) and (d) of this section or furnished upon further request by the Agency.
 - 3) If the facts warrant a conclusion that no violation has occurred, the Agency shall so notify the person served with a notice of violation, and no penalty shall be assessed.
 - 4) Where the facts warrant a conclusion that a violation has occurred, the Agency shall determine a penalty amount in accordance with Section 4170.640.
- f) Notice of Assessment. The Agency shall notify the person served with a notice of violation of the penalty amount assessed by serving a written notice of assessment, either in person or by registered or certified mail (return receipt requested). The Agency shall include in the notice of assessment:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 1) The facts and conclusions from which it was determined that a violation did occur;
- 2) The basis in Section 4170.640 for determining the penalty amount assessed and/or any offer to mitigate or remit the penalty; and
- 3) Notification of the right to request a hearing, including the procedures to be followed, and to seek judicial review of any final administrative decision assessing a civil penalty.

g) Hearings.

- 1) Except where the right to request a hearing is deemed to have been waived as provided in subsection (c)(4) of this section, the person served with a notice of assessment may file a written request for a hearing with the adjudicatory body specified in the notice. The person shall enclose with the request for hearing a copy of the notice of assessment, and shall deliver the request as specified in the notice of assessment, personally or by registered or certified mail (return receipt requested).

- 2) A person served with notice must deliver a written request for a hearing within 30 days of the date of service of the notice of assessment shall be deemed a waiver of the right to a hearing.

h) Final Administrative Decision.

- 1) Where the person served with a notice of violation has accepted the penalty pursuant to subsection (c)(4) of this section the notice of violation shall constitute the final administrative decision;
- 2) Where the person served with a notice of assessment has not filed a timely request for a hearing pursuant to subsection (g)(1) of this section, the notice of assessment shall constitute the final administrative decision;
- 3) Where the person served with a notice of assessment has filed a timely request for a hearing pursuant to subsection (g)(1) of this section, the decision resulting from the hearing or any applicable administrative appeal therefrom shall constitute the final administrative decision.

i) Payment of penalty.

- 1) The person assessed a civil penalty shall have 30 calendar days from the date of issuance of the final administrative decision in which to make full payment of the penalty assessed, unless a timely request

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

for appeal has been filed.

- 2) Upon failure to pay the penalty, the Agency manager may request the Attorney General to institute a civil action to collect the penalty in a court for any district in which the person assessed a civil penalty is found, resides, or transacts business. Where the Agency is not represented by the Attorney General, a civil action may be initiated by the State's Attorney of the county in which the violation occurred.

- j) Other Remedies Not Waived. Assessment of a penalty under this section shall not be deemed a waiver of the right to pursue other available legal or administrative remedies.

- k) Injunctive Remedy. The Agency may seek injunction or other relief as the Agency deems appropriate for any violation of the Act or regulations promulgated thereunder.

Section 4170.630 Civil Damages

- a) Generally. Persons convicted of a violation of Section 4 or 5 of the Act shall also be liable for civil damages to be assessed by the Agency. Civil damages may include:

- 1) forfeiture of any and all equipment used in disturbing the protected unregistered graves or grave markers;
- 2) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;
- 3) any and all costs associated with restoring the land to its original contour or the grave marker to its original condition;
- 4) the archaeological value, the cost of restoration and repair, and any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the unregistered burials or grave markers;
- 5) any and all costs associated with the reinterment of the human skeletal remains;
- 6) any and all costs associated with the determination and collection of the civil damages.

- b) Deposit of Penalty Amounts to Designated Funds. When civil damages are recovered through the Attorney General, the proceeds shall be deposited into

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

the Historic Sites Fund. When civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board.

- c) Archaeological value. For purposes of this part, the archaeological value of any human remains, grave artifacts or grave markers involved in a violation of the prohibitions in the Act or regulations promulgated thereunder or conditions of a permit shall be the value of the information associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.
- d) Cost of Restoration and Repair. For purposes of this part, the cost of restoration and repair of human remains, grave artifact or grave marker damaged as a result of a violation of prohibitions or conditions pursuant to this part, shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:
 - 1) Reconstruction of the human remains, grave artifact or grave marker;
 - 2) Stabilization of the human remains, grave artifact or grave marker;
 - 3) Ground contour reconstruction and surface stabilization;
 - 4) Research necessary to carry out reconstruction or stabilization;
 - 5) Physical barriers or other protective devices, necessitated by the disturbance human remains, grave artifact or grave marker to protect it from further disturbance;
 - 6) Examination and analysis of the human remains, grave artifact or grave marker including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;
 - 7) Reinterment of human remains in accordance with religious or tribal custom and State, or local tribal law, where appropriate, as determined by the Museum; and
 - 8) Preparation of reports relating to any of the above activities.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

Section 4170.640 Penalty Amounts

a) Maximum Amounts.

The maximum penalty for a violation of Sections 4, 6 or 7 of the Act is \$10,000 per occurrence. The maximum penalty for any violation of Section 5 is \$500 per occurrence.

- b) Determination of Penalty Amount, Mitigation, and Remission. The Agency may assess a penalty amount less than the maximum amount of penalty and may offer to mitigate or remit the penalty.

- 1) Determination of the penalty amount and/or a proposal to mitigate or remit the penalty may be based upon any of the following factors:

- A) Agreement by the person being assessed a civil penalty to return to the state archaeological resources removed;
 - B) Agreement by the person being assessed a civil penalty to assist the Director in activity to preserve, restore, or otherwise contribute to the protection and study of archaeological resources on Illinois lands;
 - C) Agreement by the person being assessed a civil penalty to provide information which will assist in the detection, prevention, or prosecution of violations of the Act;
 - D) Demonstration of hardship or inability to pay, provided that this factor shall only be considered when the person being assessed a civil penalty has not been found to have previously violated the Act or regulations promulgated thereunder;
 - E) Determination that the person being assessed a civil penalty did not willfully commit the violation;
 - F) Determination that the proposed penalty would constitute excessive punishment under the circumstances;
 - G) Determination of other mitigating circumstances appropriate to consideration in reaching a fair and expeditious assessment.
- 2) When the penalty is for a violation which may have had an effect on a known tribal, ethnic or religious site on public lands, the Director should consult with and consider the interest of the affected group(s) prior to proposing to mitigate or remit the penalty.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

Section 4170.650 Rewards

Section 9 of the Act provides for rewards of up to \$2,000 to be made to persons who furnish information which leads to the arrest and conviction for a criminal violation. The Director may certify to the State Comptroller that a person is eligible to receive payment. Officers and employees of Federal, State, or local government who furnish information or render service in the performance of their official duties, and persons who have provided information under Section 4170.640 (b)(1)(A) and (C) shall not be certified eligible to receive payment of rewards.

SUBPART C: ILLINOIS INVENTORY OF BURIAL SITES

Section 4170.700 Purpose of Inventory

In order to ensure that the scientific knowledge about both prehistoric and historic unmarked burial sites and their associated historic, cultural and archaeological resources is made available to the public and is not willfully or unnecessarily destroyed or lost, and to preserve information with respect to unregistered graves, the Agency shall maintain an Illinois Inventory of Burial Sites. Such burial site information shall also be maintained as part of the Illinois Archaeological Site File. The Inventory shall indicate the accurate location of each unmarked burial site. To ensure the protection of sites, the release of locational information shall be at the discretion of the Director.

Section 4170.710 Inventorying of Burial Site

a) Application for Inventorying. To initiate a inventory request an applicant must complete the appropriate form provided by the Agency. The form shall request that the following information, to the extent known, be provided:

- 1) The applicant's name, address and telephone number.
- 2) The burial site owner's name, address and telephone number.
- 3) Documentation of the burial site.
- 4) Photographic prints of the burial site to document the condition of the site.
- 5) A town, range and subsection description and Universal Transverse Meridian co-ordinates of the site's location, including sufficient buffer land necessary to protect the site until its specific legal boundaries are defined.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 6) A sketch showing the known area of the site and any salient observable features.
 - 7) A copy of the pertinent United States geological survey topographic quadrangle map or a plat noting the location of the burial site.
 - 8) The Illinois Archaeological Site File site number.
- (b) Documentation of a Burial Site. Documentation of a burial site may include, but is not limited to, the following:
- 1) Physical evidence, as demonstrated by archaeological or written historical reports showing the presence of human skeletal remains, graves or grave markers;
 - 2) Adequate historical documentation;
 - 3) Oral depositions or affidavits; or
 - 4) Any additional information requested by the Agency.
- c) Entry of Site Into Inventory. If the application is complete and accurate to the best of the inventorier's knowledge, the Agency shall enter the site into the Inventory. The Agency shall notify the applicant, owner and the local unit of government having jurisdiction over the burial site when a particular burial site has been added to the Inventory and shall record that location with the County register of deeds.

d) Removal from the Inventory.

- 1) If substantial evidence is ever presented to the Agency to indicate that a burial site does not contain burials or burial markers, or all the burials and burial markers are removed the Agency shall notify the owner, and the local unit of government having jurisdiction over the burial site and any other group or person the Agency deems appropriate and give such persons 60 days to respond to the Agency on this new evidence.
- 2) After 60 days, if the Agency decides that there is sufficient evidence to indicate that a site does not contain any burials or burial markers, the Agency shall do all of the following:
 - A) Remove the site from the Inventory.
 - B) Submit a request to the County register of deeds to amend the legal property description previously defined for the land on which the burial site was registered.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

Section 4170.720 Confidentiality

Information concerning the nature and location of any burial site or unregistered grave regardless of ownership of the property, may be made available to the public unless the Agency determines that the disclosure would create a risk of harm to the human remains, unregistered grave, grave artifacts and grave markers or to the site at which such resources are located.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Premium Fund Trust Account

2) Code Citation: 50 Ill. Adm. Code 3113

3) Section Numbers: 3113.40
Proposed Action: Amended

4) Statutory Authority: Implementing Section 505.1 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1990 Supp., ch. 73, pars. 1065.52-1 and 1013).

5) A Complete Description of the Subjects and Issues Involved:
The attached proposed amendments will allow an insurance producer to invest assets in general obligation bonds, revenue bonds and short term notes with maturities of not more than one year.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These proposed amendments will not establish, expand or modify governmental activities in such a way that additional expenditures will be required.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kirk H. Petersen
Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: These amendments apply to all persons, resident and no-resident, who are licensed under the Illinois Insurance Code as insurance producers, limited insurance representatives, temporary insurance producers and surplus lines licensees and to firms registered pursuant to Section 490.1 of the Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.37-1).
- C) Reporting bookkeeping or other procedures required for compliance: Please refer to the attached amendments for the specific requirements.
- D) Types of professional skills necessary for compliance: These amendments do not place any new requirements on the licensee.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER II: INSURANCE PRODUCERS, LIMITED
INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3113
PREMIUM FUND TRUST ACCOUNT

Section	Authority (Repealed)
3113.10	Purpose and Scope
3113.20	Definitions
3113.30	Premium Fund Trust Account
3113.40	Minimum Record Requirements
3113.50	Return Premiums
3113.60	Severability
3113.70	Consent and Authorization Form

AUTHORITY: Implementing Sections 505.1 506-i and-500-i and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 19871990 Supp. ch. 73, pars. 1065.52-17-1065-53-i and 1013).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 194, effective April 11, 1980; amended at 6 Ill. Reg. 12474, effective September 30, 1982; codified at 6 Ill. Reg. 12471; amended at 8 Ill. Reg. 25007, effective January 1, 1985; amended at 14 Ill. Reg. 2088, effective January 19, 1990; amended at _____, effective _____.

Section 3113.40 Premium Fund Trust Account

- a) All licensees required to maintain a PFTA, pursuant to 50 Ill. Adm. Code 3113.40(c), shall establish and maintain a PFTA in a financial institution. All resident and quasi-resident licensees required to maintain a PFTA pursuant to this Section shall maintain such a PFTA with one or more financial institutions located within the State of Illinois and subject to the jurisdiction of the Illinois courts. Licensees are not required to maintain a separate PFTA for each insurer unless required by an insurer(s).
- b) All licensees required to maintain a PFTA, pursuant to 50 Ill. Adm. Code 3113.40(c), shall certify at each license extension date that premiums are held in a PFTA. The account must be designated Premium Fund

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Trust Account on the bank records and those words shall be displayed on the face of the checks of that account.

- c) 1) If a licensee holds any premiums for 15 days or more before remitting to an insurer or other licensee, a PFTA must be established and maintained.
- 2) If a licensee deposits any collected premiums into a financial institution account or other account or uses the premiums, a PFTA must be established and maintained even though the premiums are remitted within 15 days.
- 3) The absence of a PFTA does not relieve the licensee of the obligation to hold the premiums in a fiduciary capacity and the premiums shall not be used for other purposes.
- d) All licensees who maintain or are required to maintain a PFTA must deposit all premiums received into the PFTA.
- e) Non-premium monies received by the licensee for soliciting, negotiating, effecting, procuring, renewing, continuing or binding policies of insurance may be deposited into the PFTA. Examples of non-premium monies are service fees, policy fees, late charges, inspection fees and surplus lines premium taxes.
- f) All monies deposited into the PFTA are considered to be fiduciary funds until lawfully withdrawn.
- g) The following disbursements may be lawfully withdrawn from the PFTA:
 - 1) Net or gross premium remittances due other licensees or insurers. Claims payments or reinsurance premiums when offset at the direction of the insurer may be transferred to another account;
 - 2) Return premiums due insureds;
 - 3) Commissions due the licensee, net of any financial institution fees or service charges, or commissions due another licensee only when the commission

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

withdrawal is matched and identified with premiums previously deposited into the PFTA;

- 4) Non-premium monies when matched and identified with prior non-premium PFTA deposits;
- 5) Interest or other revenue which the licensee is authorized to retain.
- 6) Withdrawals pursuant to Sections 3113.40(g)(3), (g)(4) and (g)(5) must be made payable to the licensee or another licensee.
- h) The PFTA shall not be used as a general operating account or claim payment account.
- i) The PFTA balance in the financial institution shall at all times be the amount deposited less lawful withdrawals. If the balance in the financial institution is less than the amount deposited less lawful withdrawals, the licensee shall be deemed to have misappropriated fiduciary funds and to have acted in a financially irresponsible manner.
- j) All licensees may place PFTA funds in interest bearing or income producing assets and retain the interest or income thereon, provided the licensee obtains the prior written authorization of the insurer on whose behalf the funds are to be held. The written authorization from the insurer shall be on a form the same as Exhibit A or other written form signed and dated by the licensee and the insurer. No investment shall be made which assumes any risk other than the risk that the obligor shall not pay the principal when due. Employing the use of specialized techniques or strategies which incur additional risks to generate higher returns or to extend maturities is not permitted. Such techniques would include but not be limited to the following: Use of financial futures or options, buying on margins, pledging of PFTA balances and when issued trading. In addition to savings and checking accounts in a financial institution, a licensee may invest in the following assets:
 - 1) Direct obligations of the United States of America or U.S. Government agency securities with maturities of not more than one year.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 2) Certificates of deposit, with a maturity of not more than one year, issued by financial institutions which are members of the FDIC or the FSLIC.
- 3) Repurchase agreements with financial institutions or government securities dealers recognized as primary dealers by the Federal Reserve System provided that:
 - A) the value of the repurchase agreement is collateralized with assets which are allowable investments for PFTA funds; and
 - B) the collateral has a market value at the time the repurchase agreement is entered into at least equal to the value of the repurchase agreement; and
 - C) the repurchase agreement does not exceed 30 days.
- 4) Commercial paper, provided the commercial paper is rated at least P-1 by Moody's Investors Service, Inc. and at least A-1 by Standard & Poor's Corporation.
- 5) Obligations issued by states and possessions of the United States, including Puerto Rico and the District of Columbia, and their political subdivisions, agencies and instrumentalities, or multi-state agencies or authorities, including general obligation bonds, revenue bonds and short term notes, with maturities of not more than one year, and rated at least Aaa, MIG-1/VMIG-1 or Prime-1 by Moody's Investor Service, Inc. or Aaa, SP-1 or A-1 by Standard and Poor's Corporation. Such obligations are payable or guaranteed from taxes or revenues of such entities and further provided that such entity has not been in default in the payment of principal or interest of any of its direct or guaranteed obligations in the last five years.

56) Money Market Funds, provided that the Money Market Fund invests exclusively in assets which are allowable investments pursuant to Section 3113.40(j)(1) through (j)(45).

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- k) Each investment transaction shall be made in the name of the licensee's PFTA. The licensee shall maintain evidence of any such investments. Each investment transaction shall flow through the licensee's PFTA.

(Source: Amended at _____ Ill. Reg. _____ effective _____).

ILLINOIS REGISTER

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED RULE

1) Heading of the Part: Illinois Police Training Act2) Code Citation: 20 Ill. Adm. Code 17203) Section Numbers: 1720.15
Proposed Action:
New Section4) Statutory Authority: Ill. Rev. Stat., 1991, ch. 85, par. 5075) A Complete Description of the Subjects and Issues Involved:

The purpose of this rule is to provide persons seeking a waiver of basic training an opportunity to receive an equivalency examination if authorized by the executive director.

6) Will this proposed rule replace an emergency rule currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this amendment contain incorporations by reference? No.9) Are there any other amendments pending on this Part? No.10) Statement of Statewide Policy Objectives:

The Board has adopted a policy which gives the executive director the authority to require persons seeking a waiver of basic training to take the equivalency exam if, in the discretion of the executive director, the person would otherwise qualify for a waiver.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Contact person: Kevin T. McClain
Illinois Local Governmental Law Enforcement
Officers Training Board
Suite 400, Lincoln Tower Plaza
Springfield, IL 62706

ILLINOIS REGISTER

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED RULE

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted: This rulemaking will not effect small business.
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: The Police Training Board will monitor the training and administration of the examination internally.
- D) Types of professional skills necessary for compliance: The ability to successfully complete the equivalency examination.

The full text of the Proposed Rule begins on the next page:

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED RULE

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW ENFORCEMENT
OFFICERS TRAINING BOARD

PART 1720

ILLINOIS POLICE TRAINING ACT

Section	Course Requirements
1720.10	Equivalency Examination
1720.15	Minimum Requirements of the Trainee
1720.20	Procedures for Administration of Law Enforcement and
1720.25	Correctional Officers Certification Examination
	School Standards and Requirements
1720.30	Qualification of Police Instructors
1720.40	Reimbursements
1720.50	Requirements of Participating Local Agencies
1720.60	Minimum Training Requirements for Illinois Sheriffs
1720.70	Physical Fitness Standards
APPENDIX A	

AUTHORITY: Implementing and authorized by the Illinois Police Training Act (Ill.Rev.Stat. 1991, ch. 85, pars. 501 et seq.)

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill.Reg. 11232; amended at 8 Ill.Reg. 12259, effective July 1, 1984; amended at 11 Ill.Reg. 16692, effective October 6, 1987; amended at 12 Ill.Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at ___ Ill. Reg. ___, effective _____.

Section 1720.15 Equivalency Examination

- a) The Executive Director may grant a waiver of basic training requirements set forth by the Board if, by reason of extensive prior law enforcement or county corrections experience the basic training requirement is illogical or unreasonable. The Executive Director may require the applicant to take and successfully pass the Board's Equivalency Examination if the Executive Director, in reviewing said criteria, determines that there is a need for the applicant to demonstrate current knowledge of Illinois law and procedures.

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED RULE

- b) The Board shall establish a minimum passing score. In establishing a minimum score, the Board will ensure that the score reflects the knowledge and competency of the applicant. The minimum passing score will be established by the Board within the range of 60 to 80 percent of the total score.
- c) The content of the test may include, but not be limited to, material in the areas specified in Section 7(b) of the Act, and subjects covered in the Firearms Training for Peace Officers Act, Ill.Rev.Stat. 1991, ch. 85, par. 515, et seq.
- d) The Board shall at least biennially review the content of the examination and minimum passing score to ensure they are correct and reliable.

(Source: Added at ___ Ill.Reg. ___, effective _____)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Narrative and Planning Policies

2) Code Citation:

77 Ill. Adm. Code 1100

3) Section Numbers:

1100.70 Amendments
 1100.220 Amendments
 1100.330 Amendments
 1100.340 Amendments
 1100.350 Amendments
 1100.410 Amendments
 1100.420 Amendments
 1100.430 Added
 1100.510 Amendments
 1100.520 Amendments
 1100.530 Amendments
 1100.540 Amendments
 1100.550 Amendments
 1100.560 Amendments
 1100.570 Amendments
 1100.580 Amendments
 1100.590 Amendments
 1100.610 Amendments
 1100.630 Amendments
 1100.660 Amendments
 1100.670 Amendments
 1100.720 Added
 1100.730 Added

Proposed Action:

Amendments
 Amendments
 Amendments
 Amendments
 Amendments
 Amendments
 Added
 Amendments
 Amendments
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 Amendments
 Amendments
 Amendments
 Amendments
 Amendments
 Added
 Added

4) Statutory Authority:

Health Facilities Planning Act
 111. Rev. Stat. 1989, ch. 111 1/2, par. 1156 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Section 1100.70 Data Appendices

- ° Modification to language which details the contents of monthly updates.

Section 1100.220 Definitions

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- ° Areawide Health Planning Organization - Definition deleted as it reflects an unused term.
- ° Bed Capacity or Existing Bed Capacity - Definition amended to eliminate the term calculated capacity. This should reduce confusion as to what bed totals are to be used as facility bed totals. Changes also include a reference to the specific Need Section for the proper bed count methodology for a service.
- ° Capital Expenditure - Definition to be deleted as a duplication of the statutory definition.
- ° Capital Expenditure Minimum - Definition to be deleted as a duplication of the same definition in Part 1130.
- ° Chairman - Definition deleted as unneeded.
- ° Construction or Modification - Definition to be deleted as it will be replaced in Part 1130.
- ° Construction Contracts - Definition to be deleted as unneeded.
- ° Discontinuation - Definition to be deleted as a duplication of the same definition in Part 1130.
- ° Establish or Establishment - Definition to be deleted as a duplication of the same definition in Part 1130.
- ° Health Service Area - Delete reference to the federal standards which have been repealed.
- ° Hospital - Expand reference under state facilities to include facilities of all state agencies which would be subject to the Planning Act.
- ° Long-Term Care Facility - Delete definition as it duplicates a statutory definition.
- ° Major Medical Equipment - Delete definition as it will be replaced in Part 1130.
- ° Modernization - Delete reference to construction as new definition is to be established on new construction.
- ° Multi-Institutional System - Delete definition as unneeded.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- New Construction - New definition which establishes a definition that construction is for a new hospital or a bed addition to an existing facility.
 - Occupancy Rate - Format change to language.
 - Occupancy Target - Eliminates desired occupancy rate in favor of occupancy target.
 - Population or Population Projections - Eliminates five-year projection as a reduced period is used in some need projections.
 - Site - Modification to restrict street address to existing facilities. This will prevent the naming of a location which is too general allowing a facility to move services without a permit.
 - Substantially Changes the Bed Count of a Health Care Facility - Deletes definition as it will be placed in Part 1130.
 - Unit - New definition to cover used terminology.
 - Use Rate - Clarification of definition.
 - Use Rate Maximum - Definition of formula term.
 - Use Rate Minimum - Definition of formula term.
 - Utilization - Definition of formula term.
 - Variance - Clarification of definition.
- Section 1100.330 Manpower Training (Professional Education)

The term Professional Education will replace Manpower Training.

Section 1100.340 Local Planning Studies (Public Testimony)

Local planning studies were developed to allow designated health planning agencies to provide local input into project reviews.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

As these local agencies no longer exist the focus of this policy is to be changed to address local input through public testimony.

Section 1100.350 Multi-Institutional Systems

The focus of the policy has been amended to state that Multi-Institutional Systems are favored when certain positive aspects exist. This eliminates a blanket policy that said all such systems were favored.

Section 1100.410 Plans of State Agencies and Recognized Areawide Planning Organizations (Needed Facilities)

Areawide planning agencies (federally designated under P.L. 93-641) no longer exist. The focus of the policy is to delete the reference to plans of such agencies and to establish a new policy on the support of the Board for needed institutions.

Section 1100.420 Discontinuation

Modification made to provide the State Board with a focus for a discontinuation review which occurs after the closure. The 'reasons for discontinuation' concept did not provide an adequate review standard and is to be eliminated.

Section 1100.430 Coordination with Other State Agencies

New policy which recognizes the desire of the Board to incorporate the planning efforts of other state agencies into its process.

Section 1100.510 Introduction (Introduction, Formula Components and Planning Area Development)

New sections on formulas and planning areas to provide general information on formula types, application and how planning areas are developed.

Section 1100.520 Medical-Surgical/Pediatric Beds

Revisions constitute format changes and an elimination of two references to historical and projected data which were not appropriate.

Section 1100.530 Obstetric Beds

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Revisions constitute format changes and the deletion of an inappropriate reference.

Section 1100.540 Intensive Care Beds

Revisions constitute format changes; no change to rule content.

Section 1100.550 Comprehensive Physical Rehabilitation Beds

Revisions constitute format changes; no change to rule content.

Section 1100.560 Acute Mental Illness

In the planning area subsection the federal reference was eliminated and a new area for state facilities was established.

In the formula sections language was added to separate the state facility component from the private sector. This subsection also provides for a need reference as applied to state facilities.

Section 1100.570 Substance Abuse Beds

Revisions constitute format changes; no change to content of rule.

Section 1100.580 Perinatal/High Risk Beds (Neonatal Intensive Care Category of Service)

Revisions eliminate reference to federal areawide health planning agencies. Modifications to the sub-section also eliminate the restriction of new beds to existing designated perinatal centers. This change is consistent with Public Health policy which was recently modified to allow for additional facilities to seek level 3 perinatal designation.

Section 1100.590 Burn Beds

Revisions constitute format changes.

Section 1100.610 Open Heart Surgery

Changes consist of: deletion of the federal reference; the elimination of the 25 closed heart pediatric procedures

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

(service refers only to open heart capabilities); and revisions to the need format which takes the need issue away from an area perspective on travel time to one that focuses on the utilization levels of potential programs. The utilization volume was considered to be a more accurate indicator of program need that travel time considerations.

Section 1100.630 End Stage Renal Disease (Chronic Renal Dialysis)

The title of the service is to be changed to chronic renal dialysis. This is being done to better identify only the chronic provider as the focus for the review. Other changes to the sub-section are format changes and a revision to the need format to expand the number of patient shifts that can be performed daily.

Section 1100.660 General Long-Term Care Beds

The changes to this section are primarily format based and do not affect the content of the rule. The only change in content is in the formula section and involves the age specific calculation of bed need use rates.

Section 1100.670 Specialized Long-Term Care Beds

The changes to this section involve the elimination of all bed need formula for the categories of service identified as specialized long-term care. The feeling of the Board was that need for such services would be reviewed under general criteria and that due to the changes in how these services are provided today an individual assessment of each project's need is preferred. The format and planning areas utilized in review have also been modified to improve focus of review criteria.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

If "yes," please specify type: 6.02(a) or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

Update and improve state certificate of need program. No impact on local government of program operational policies anticipated.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

A public hearing will be held on these revisions at 1:30 p.m. on October 30, 1991 at the Executive House Hotel, 71 East Wacker Drive, Chicago, Illinois.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Health Care Facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Introduction, Formula Components and Planning Area Development
Medical-Surgical/Pediatric Categories of Service Beds
Obstetric Category of Service Beds
Intensive Care Category of Service Beds
Comprehensive Physical Rehabilitation Category of Service Beds
Acute Mental Illness Categories of Service
Substance Abuse Category of Service Beds
Neonatal Intensive Care Category of Service Perinatal/High-Risk
Beds

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section
1100.10 Introduction
1100.20 Authority
1100.30 Purpose
1100.40 Health Maintenance Organizations (Repealed)
1100.50 Subchapter Organization
1100.60 Mandatory Reporting of Data
1100.70 Data Appendices
1100.80 Institutional Master Plan Hospitals (Repealed)
1100.90 Public Hearings

SUBPART B: GENERAL DEFINITIONS

Section
1100.210 Introduction
1100.220 Definitions

SUBPART C: PLANNING POLICIES

Section
1100.310 Need Assessment
1100.320 Staffing
1100.330 Professional Education Manpower-Training
1100.340 Public Testimony Hear-Planning-Studies
1100.350 Multi-Institutional Systems
1100.360 Modern Facilities
1100.370 Occupancy/Utilization Standards
1100.380 Systems Planning
1100.390 Quality
1100.400 Location
1100.410 Needed Facilities Plans-of-State-Agencies-and-Recognized-Areawide
Planning-Organizations
1100.420 Discontinuation
1100.430 Coordination with Other State Agencies

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Introduction, Formula Components and Planning Area Development
Medical-Surgical/Pediatric Categories of Service Beds
Obstetric Category of Service Beds
Intensive Care Category of Service Beds
Comprehensive Physical Rehabilitation Category of Service Beds
Acute Mental Illness Categories of Service
Substance Abuse Category of Service Beds
Neonatal Intensive Care Category of Service Perinatal/High-Risk
Beds

1100.510
1100.520
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1100.560
1100.570
1100.580

Burn Category of Service Beds
Therapeutic Radiology Equipment
Open Heart Surgery Category of Service
Cardiac Catheterization Services
Chronic Renal Dialysis Category of Service End-Stage-Renal
Disease

1100.640 Non-Hospital Based Ambulatory Surgery
1100.650 Computer Systems (Repealed)
1100.660 General Long-Term Care Category of Service Beds
1100.670 Specialized Long-Term Care Categories of Service Beds
1100.680 Magnetic Resonance
1100.690 High Linear Energy Transfer (L.E.T.)
1100.700 Positron Emission Tomographic Scanning (P.E.T.)
1100.710 Extracorporeal Shock Wave Lithotripsy
1100.720 Selected Organ Transplantation
1100.730 Renal Transplantation

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code:
Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities
Planning Act (Ill. Rev. Stat. 1989, ch 111 1/2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28,
1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5
Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297,
effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8,
1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a
maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9,
1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983,
amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill.
Reg. 15476; amended at 9 Ill. Reg. 3344; effective March 6, 1985; amended at
11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079,
effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective
September 29, 1989; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL NARRATIVE

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1100.70 Data Appendices

The State Agency publishes data appendices annually which include inventories of health care facilities and services. Inventories contain facility capacity, need estimates, utilization and socio-economic information. Throughout the year, inventories to the subchapter (see 77 Ill. Adm. Code 1110) are up-dated on the 15th day of each month (excluding holidays and weekends). Examples of changes included in the monthly update are: permits issued by the State Board; transactions such as a change of facility name or change in bed total; and declaratory rulings made by the State Board.

- a) The State Agency develops data appendices which include inventories--inventories contain facility capacity, need estimates, utilization and socio-economic information. Inventories to the subchapter (see 77 Ill. Adm. Code 1110) are up-dated on the 15th day of each month (excluding holidays and weekends). An inventory is updated for such changes as:
 - 1) when permits are issued by the State Board;
 - 2) when transactions such as a change of facility name or changes in bed totals of less than 10 beds are reviewed by the Board in accord with Section 5 of the Act result in changes to the inventory totals;
 - 3) when the Bureau of the Budget issues new population estimates and verified facility utilization becomes available (on an annual basis);
- b) It is emphasized that the inventory figures maintained by the Agency are always open for redetermination and verification upon request.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL DEFINITIONS

Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act. (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1151 et seq.)

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"AREAWIDE HEALTH PLANNING ORGANIZATION" MEANS THE HEALTH SYSTEMS AGENCY DESIGNATED BY THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), PURSUANT TO FEDERAL PUBLIC LAW 93-647, OR ANY SUGGESTED AGENCY,--(Section 2 of the Act)

Average Daily Census (ADC) means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay (ALOS)" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Bed Capacity or Existing Bed Capacity" means the number of beds (estimated capacity) recognized for planning purposes at a facility as determined by the Illinois Department of Public Health. The method for determining a facility's bed capacity by category of service is reflected in the Bed-Need Determination section for that category of service.

The bed capacity calculated capacity which is utilized for each category of service identified in the Bed Need Determination Section reflects one of the following is based on the following:

Measured or Surveyed Bed Capacity - the number of beds by category of service which could be operated based on the amount of clear and usable floor area allowing:

100 square feet per bed in single-occupancy rooms.

80 square feet per bed in multi-occupancy rooms.

40 square feet per bassinets in pediatric nurseries.

Functional Bed Capacity - the number of beds by category of service the facility considers appropriate to place in patient rooms taking into account patient care requirements and the ability to perform the regular functions of patient care required for patients for the particular category of service involved.

Licensed Bed Capacity - the number of beds by category

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

of service recognized and licensed by the Illinois Department of Public Health. (Currently applies only to Long-Term Care Facilities.)

"CAPITAL-EXPENDITURE" MEANS AN EXPENDITURE MADE BY OR ON BEHALF OF A HEALTH CARE FACILITY (AS SUCH A FACILITY IS DEFINED IN THIS ACT), AND WHICH UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES IS NOT PROPERLY CHARGEABLE AS AN EXPENSE OF OPERATION AND MAINTENANCE, OR IS MADE TO OBTAIN BY LEASE OR COMPARABLE ARRANGEMENT ANY FACILITY OR PART THEREOF OR ANY EQUIPMENT FOR A FACILITY OR PART AND WHICH EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. THE COST OF ANY STUDIES, SURVEYS, DESIGNS, PLANS, WORKING DRAWINGS, SPECIFICATIONS, AND OTHER ACTIVITIES ESSENTIAL TO THE ACQUISITION, IMPROVEMENT, EXPANSION, OR REPLACEMENT OF ANY PLANT OR EQUIPMENT WITH RESPECT TO WHICH AN EXPENDITURE IS MADE SHALL BE INCLUDED IN DETERMINING IF SUCH EXPENDITURE EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. DONATIONS OF EQUIPMENT OR FACILITIES TO A HEALTH CARE FACILITY WHICH IF ACQUIRED DIRECTLY BY SUCH FACILITY WOULD BE SUBJECT TO REVIEW SHALL BE CONSIDERED CAPITAL EXPENDITURES, AND A TRANSFER OF EQUIPMENT OR FACILITIES FOR LESS THAN FAIR MARKET VALUE SHALL BE CONSIDERED A CAPITAL EXPENDITURE IF A TRANSFER OR THE EQUIPMENT OR FACILITIES AT FAIR MARKET VALUE WOULD BE SUBJECT TO REVIEW. (Section 3 of the Act)

"Capital-Expenditure-Minimum" means that dollar amount established by the State Board in accordance with the provisions of 2-111-Adm-Code-1925-280(a)(15)(A). Separate dollar amounts are established for major medical equipment and all other expenditures, both of which are annually adjusted to reflect the increase in construction costs due to inflation.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, therapeutic radiology, etc. A category of service may include subcategories or levels of care which identify a particular degree or type of care within the category of service.

"Chairman" means the duly-elected-presiding-officer-of-the-State Board.

"CONSTRUCTION OR MODIFICATION" MEANS THE ESTABLISHMENT, ERECTION, BUILDING, ALTERATION, RECONSTRUCTION, MODERNIZATION, IMPROVEMENT, EXTENSION, DISCONTINUATION, CHANGE OF OWNERSHIP OF OR BY A HEALTH CARE FACILITY, OR THE PURCHASE OR ACQUISITION BY OR THROUGH A HEALTH CARE FACILITY OF EQUIPMENT FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES OR FOR FACILITY ADMINISTRATION OR OPERATION.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

OR ANY CAPITAL EXPENDITURE MADE BY OR ON BEHALF OF A HEALTH CARE FACILITY WHICH EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. (Section 3 of the Act). Site acquisition is not included in the cost of "construction or modification".

"Construction Contracts" means the enforceable contracts covering the principal work, including the general construction contracts.

"Discontinuation" means to cease operation of an entire health care facility or to cease operation of a category of service or to reduce a service bed total (calculated capacity) by 10 beds or more over a two-year period. It should be noted, however, that daily or seasonal fluctuations in bed complement do not require an application for permit of "discontinuation".

"ESTABLISH OR ESTABLISHMENT" MEANS THE CONSTRUCTION OF A HEALTH CARE FACILITY OR THE REPLACEMENT OF AN EXISTING FACILITY ON ANOTHER SITE. (Section 3 of the Act)

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Service Area (HSA)" means the following these physical areas as defined by the Department of Health and Human Services pursuant to the National Health Planning and Resources Development Act (42 U.S.C. 300k) which were designated as of December 31, 1986. These geographic areas consist of:

HSA I

Boone County
Carroll County
Lee County

Stephenson County
Winnebago County
Whiteside County

HSA II

LaSalle County
Putnam County
Marshall County
Woodford County
Tazewell County

Peoria County
Stark County
Bureau County
Knox County
Fulton County

HSA III

Hancock County

Jersey County

Menard County

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Adams County
Pike County
Brown County
Schuyler County
Calhoun County
HSA IV
Greene County
Scott County
Morgan County
Cass County
Mason County

Champaign County
Vermilion County
Ford County
Iroquois County
Edgar County
Clark County
HSA V
Colles County
Cumberland County
Douglas County
Moultrie County
Shelby County
Macon County

Bond County
Fayette County
Effingham County
Jasper County
Crawford County
Clay County
Richland County
Lawrence County
Marion County
Wayne County
HSA VI
Edwards County
Wabash County
Washington County
Jefferson County
Perry County
Randolph County
Jackson County
Franklin County
Hamilton County
White County

City of Chicago
HSA VII
Suburban Cook County
HSA VIII
Kane County
HSA IX
Will County
Kendall County
HSA X
Rock Island County
Mercer County
DuPage County
Lake County
Grundy County
Kankakee County
McHenry County

Logan County
Sangamon County
Macoupin County
Christian County
Montgomery County

Piatt County
McLean County
Livingston County
DeWitt County

Williamson County
Saline County
Gallatin County
Union County
Johnson County
Pope County
Hardin County
Alexander County
Pulaski County
Massac County

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

HSA XI
Madison County
St. Clair County
Clinton County
Monroe County

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act (Ill. Rev. Stat. 1989, Ch. III 1/2, pars. 142 et seq.) which is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this subchapter, three basic types of hospitals are recognized:

General Hospital - a any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act (Ill. Rev. Stat. 1989, Ch. III 1/2, pars. 142 et seq.) and which offers an integrated variety of categories of service and which offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital - a any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act and which offers primarily, a special or particular category of service.

Hospitals Facilities operated or maintained by the State of Illinois Department of Mental Health and Developmental Disabilities which is operated privately would be subject to the Hospital Licensing Act.

"ILLINOIS DEPARTMENT OF PUBLIC HEALTH" OR "AGENCY" MEANS THE DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF ILLINOIS. (Section 3 of the Act)

"Long-Term-Care-Facility" means any institution required to be licensed pursuant to the Nursing Home Care Reform Act of 1979 (Section 2 of the Act) or any facility or portion thereof maintained by the State or any entity of the State, which if operated privately would be subject to licensure under the Nursing Home Care Reform Act of 1979.

"MAJOR-MEDICAL-EQUIPMENT" MEANS MEDICAL EQUIPMENT WHICH IS USED FOR THE PROVISION OF MEDICAL AND OTHER HEALTH SERVICES AND WHICH COSTS IN EXCESS OF THE CAPITAL EXPENDITURE MINIMUM, EXCEPT THAT SUCH TERM DOES NOT INCLUDE MEDICAL EQUIPMENT ACQUIRED BY OR ON BEHALF OF A CLINICAL LABORATORY TO PROVIDE CLINICAL LABORATORY SERVICES IF THE CLINICAL LABORATORY IS INDEPENDENT OF A PHYSICIAN'S OFFICE AND A HOSPITAL AND IT HAS BEEN DETERMINED UNDER TITLE XVII OF THE SOCIAL SECURITY ACT (42 U.S.C. 1395k) -

NOTICE OF PROPOSED AMENDMENTS

TO MEET THE REQUIREMENTS OF PARAGRAPHS (10) AND (11) OF SECTION 186(1) OF SUCH ACT, IN DETERMINING WHETHER MEDICAL EQUIPMENT HAS A VALUE IN EXCESS OF THE CAPITAL EXPENDITURE MINIMUM, THE VALUE OF STUDIES, SURVEYS, DESIGNS, PLANS, WORKING DRAWINGS, SPECIFICATIONS, AND OTHER ACTIVITIES ESSENTIAL TO THE ACQUISITION OF SUCH EQUIPMENT SHALL BE INCLUDED. (11) Rev. State 1987, ch. 111-1/2, par. 1153-6.5

"Modernization" means construction or modification (other than that which substantially changes the number of beds as defined in "Substantially Changes The Bed Count of a Health Care Facility") or which substantially changes the scope or functional operation as defined in "Substantially Changes The Scope or Changes The Functional Operation of The Facility" of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Multi-Institutional System" means arrangements which are made by contracts, agreements, management, licensure, ownership, or other means between two or more health care facilities for the purpose of carrying out an enterprise which will coordinate or consolidate services, share support services, or develop the capacity to provide various levels or categories of health care services on a geographical or integrated basis. Such systems may also involve non-institutional health services and facilities.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the inpatient-bed total (calculated capacity). It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target or Desired Occupancy Rate" means a minimum utilization level established by the Agency for a facility or service reflecting adequate access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period.

"Population or Population Projections" means the latest estimates available from the Illinois Bureau of the Budget for the current and/or projected number of Illinois residents. Projected population is a 5-year projection of current population.

NOTICE OF PROPOSED AMENDMENTS

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning. Planning areas by category of service are delineated in the Appendices to 77 Ill. Adm. Code 1110.

"Site" means the location of an existing or proposed facility, a provider or a proposed project as an existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

"STATE BOARD" MEANS THE HEALTH FACILITIES PLANNING BOARD ESTABLISHED BY THE ACT. (Section 3 of the Act)

"Subcategory of Service or Level of Care" means a specific degree or type of approach to patient/resident care within a defined category of service. Specific subcategories of service or levels of care are listed under each category of service.

"SUBSTANTIALLY CHANGES THE BED COUNT OF A HEALTH CARE FACILITY" MEANS CONSTRUCTION OR MODIFICATION, INCLUDING ACQUISITION OF EQUIPMENT, WHICH CHANGES THE BED CAPACITY OF A HEALTH CARE FACILITY BY INCREASING OR DECREASING THE TOTAL NUMBER OF BEDS OR BY DISTRIBUTING BEDS AMONG VARIOUS CATEGORIES OF SERVICE OR BY RELOCATING BEDS FROM ONE PHYSICAL FACILITY OR SITE TO ANOTHER BY MORE THAN 10 BEDS OR MORE THAN 10% OF TOTAL BED CAPACITY AS DEFINED BY THE STATE BOARD, WHICHEVER IS LESS, OVER A 2-YEAR PERIOD. (Section 3 of the Act) The two-year period begins on the date when additional beds added to the facility inventory become operational or when beds were discontinued. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add or discontinue any more beds in those services affected by the permit for 2 years from the date that such beds become operational for are discontinued without obtaining an additional permit from the State Board. The facility may add or discontinue beds as long as the number added or discontinued does not exceed 10 beds or 10% of the total facility capacity over the 2-year period in the other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found through this verification process, an increase or decrease in the catered bed capacity of the facility, the State Agency shall determine the date the two-year period begins. The date shall be published in the next available compilation of the inventory of Health Care Facilities and Need Determinations by Planning Area.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

It should be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for less than the capital expenditure minimum including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

"SUBSTANTIALLY CHANGES THE SCOPE OR CHANGES THE FUNCTIONAL OPERATION OF THE FACILITY" MEANS CONSTRUCTION OR MODIFICATION, INCLUDING ACQUISITION OR ALTERATION OF EQUIPMENT, FOR THE PURPOSE OF INSTITUTING AT A SITE AN ADDITIONAL OR DIFFERENT CATEGORY OF SERVICE AS DEFINED IN "CATEGORY OF SERVICE" (Section 3 of the Act)

It should be noted that all proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas which are staffed to provide all care required for a particular service.

"Use Rate" means the ratio of inpatient days occurring to the population of an area expressed in days per 1,000 population over a 12-month period (Inpatient Days - Population in Thousands = Use Rate).

"Use Rate Maximum" means a ceiling placed on an area's use rate in order to reduce the projected bed need. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.

"Use Rate Minimum" means a lower limit placed on an area's use rate in order to inflate the projected bed need. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

or by an out migration of area residents to other areas for care.

"Utilization" means patterns or rates of use of a single service or type of service, within a given facility or also in combinations of facilities. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions as outlined in the planning policies for particular various categories of service.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART C: PLANNING POLICIES

Section 1100.330 Professional Education Manpower Training

Applicants involved with professional education should seek to utilize existing facilities, beds and services through the development of affiliation agreements rather than undertaking construction or modification projects relating to professional education.

Health facilities involved with manpower training programs should seek to utilize existing facilities, beds and services through formal affiliation agreements rather than undertaking construction or modification projects relating to health manpower.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.340 Public Testimony Local Planning Studies

There may exist within a planning area special conditions which impact on the need for or the availability of health care services. To address these concerns it is a policy of the State Board will consider public testimony when acting upon a proposed application to accept local planning studies which detail the impact of such conditions and recommendations on ways in which local needs can be best met. Such studies will be considered by the State Board in its promulgation of rules and regulations.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.350 Multi-Institutional Systems

The State Board encourages the development of interrelationships between and among health care providers when such relationships facilitate through agreement, management, licensure or ownership in order to increase efficiency, effectiveness, economy and quality of care. Such agreements are needed to insure optimal utilization of services, referral of patients to

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

appropriate levels of care and to eliminate the need for costly and unnecessary duplication of services and equipment

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.410 Needed Facilities Plans of State Agencies and Recognized Area-wide Planning Organizations

The State Board encourages the maintenance and support of needed health care facilities in order to prevent the loss of essential health care services to Illinois residents in its determination of needed services and facilities. It shall take into consideration the relationship of proposed projects to plans of other agencies of the State and of recognized area-wide health planning organizations.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.420 Discontinuation

The discontinuation of a category of service or of a health care facility should occur only when such discontinuation does not adversely affect the public interest and should be carried out in such fashion to protect the continuity and quality of care provided to affected patients.

When an application for total discontinuation of an entire service or facility is made, it is the intent of the State Board to determine:

- a) if the reasons for the proposed discontinuation are valid;
- b) if the health care delivery system is the area will be adversely affected; and
- c) if such discontinuation is in the public interest.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.430 Coordination with Other State Agencies

In its determination of needed services and facilities as well as in individual project review the State Board shall coordinate its planning efforts with other agencies of the state.

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100.510 Introduction, Formula Components and Planning Area Development

NOTICE OF PROPOSED AMENDMENTS

a) Introduction

This Subpart details the specifics of all need equations utilized to evaluate services. Each subsection provides information on: planning areas utilized, how beds are counted, the applicable age groups or groups, occupancy targets, subservice classifications included in the equation, use rate minimums and maximums, and the formula for the determination of total bed need. The Appendices to 77 Ill. Adm. Code 1110 contain all applicable formula and including the delineation of planning areas. population and utilization statistics. The Appendices are available from the Agency at 525 West Jefferson Street in Springfield, Illinois 62761

b) Formula Components

Formulas utilized by the State Board in projecting the number of needed beds can be categorized as demand based or incidence based need formulas. Each of these formula types represents a different conceptual outlook and incorporate different data elements as formula variables.

- 1) Demand Formula for services such as M-S/Pediatrics, Intensive Care, Rehabilitation and General Long-term Care Categories of Service. Demand equations utilize the concept that what has occurred in the past will occur in the future. The formulas utilize inpatient days of care and population projections as the key data variables. The first formula step is to establish a utilization to population ratio (use rate). This ratio basically says that within a population an average number of inpatient days of care will be generated. This rate is then applied to the projected population estimate for the same area. This states that if the rate of use is constant, a future population can be expected to generate an identifiable number of inpatient days. These projected days are then converted to a daily census (projected days - 365) and multiplied by an occupancy target. The projected day figure can be equated to 100% occupancy of service for which need is projected. The occupancy target is a means of allowing additional beds to be added to an area to insure that sufficient beds exist to handle days when inpatient admissions are exceptionally high. This type of formula is tempered in use by the application of minimum and maximum use rates. These rates are controls and serve to inflate (minimum use rate) or deflate (maximum use rate) the projected bed need. These rates are established when historical patterns of use are influenced by a maldistribution of services. By adding to or subtracting from the number of needed beds, development

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

of new beds and facilities can be influenced to add beds to underserved areas and to restrict bed growth in areas of high bed to population ratios.

- 2) Incidence Formula for services such as Obstetrics, Acute Mental Illness and Burn Categories of Service. This type of formula utilizes the incidence level of a disease or a condition within a population to predict need. Utilizing national or state rates, the formula predicts the number of area residents who will need hospitalization based on the number of people who live in the area. Utilizing a standard estimate of how long a patient will be hospitalized, admissions are converted into patient days. As in the demand formulas, days are then converted to an average daily census and an occupancy target applied to obtain area bed need.

c) Planning Area Development

Planning areas are geographic areas which the State Board deems as appropriate for evaluating the need for a particular service. The following factors are utilized in developing planning areas.

- 1) Nature of the service. Planning areas may vary in size in order to insure access within a reasonable travel time.
- 2) Patient Migration. The movement of patients to existing facilities and services will influence the boundaries of the planning area.
- 3) Referral Patterns. There exists a system of patient referral from primary care to secondary care to tertiary care. How people move within this system can influence the boundaries of a planning area.
- 4) Socioeconomic Factors. Population density, income level, ethnic percentages and age characteristics can influence the planning area boundaries.
- 5) Political and Geographic Boundaries. Physical features such as roads or rivers may influence a planning area boundary. Also, existing boundaries such as county or township lines may influence the size of the area.
- 6) Population. In some cases a minimum population base influences area size. A minimum population is important to insure a population base sufficient to support a broad range of services.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.520 Medical-Surgical/Pediatric Categories of Service Beds

- a) Planning Areas: 57 areas in 8 regions
- b) Age Groups: Medical-Surgical - 15 and over; Pediatrics: 0-14
- c) Occupancy Targets:
 - 1) Occupancy Targets for "Modernization" (based-on-historical data).

A) Medical-Surgical	1-25 beds	60%
	26-99 beds	75%
	100-199 beds	85%
	200+ beds	88%
B) Pediatrics	1-30 beds	65%
	31+ beds	75%
 - 2) Occupancy Targets for "Addition of Beds Construction" (based-on-5-years-projected-data).

A) Medical-Surgical	1-99 beds	80%
	100-199 beds	85%
	200+ beds	90%
B) Pediatrics	Distinct Unit Designated Beds	75% as same as M-S
	1-99 MS beds	80%
	100-199 MS beds	85%
	200+ MS beds	90%
- d) Bed Capacity
 - 1) Medical-Surgical bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
 - 2) Pediatrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room in units of less than 16 beds which are not distinct pediatric units. In pediatric units--one having its own nursing station--the reported functional capacity is utilized.
- e) Total Bed Need for Medical-Surgical (M-S) and Pediatrics and the number of additional beds needed are determined by planning

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

area as follows:

- 1) dividing the three year average of experienced patient days for each of three age groups (0-14, 15-64 and 65+) by the base year population for each age group resulting in age specific base use rates;
- 2) multiplying each age specific base use rate by the projected population of the age group to obtain projected patient days;
- 3) adding the projected days of the age groups to obtain total projected patient days;
- 4) subtracting the number of patients entering the planning area for service from the total out-migration to obtain a net patient migration total.*

AGENCY NOTE: *Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 5) multiplying the net patient migration total by state average length of stay for service to obtain migration patient days;
- 6) multiplying the migration patient days by .15 (15%) adjustment factor to obtain patient day adjustment;
- 7) add patient day adjustment, when area is a net out-migration area, to projected patient days; or
- 8) subtract patient day adjustment, when area is a net in-migration area, from projected patient days;
- 9) dividing total migration adjusted patient days by days in year to obtain projected average daily census;
- 10) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need.
- 11) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.530 Obstetric Category of Service Beds

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Planning Areas: Same as M-S
- b) Age Groups: Female 15-44; Female 15 and over
- c) Occupancy Targets (Developed-based-upon-historical-data):

	1-10 beds	60%	Gynecology	
	11-25 beds	75%	Utilization	
	26+ beds	78%	within	
			Obstetrics	90%
Service			Occupancy-Targets--	
			Modernization-and	
			Construction	

Obstetrics	1-10-beds	60%
	11-25-beds	75%
	26+-beds	78%
Gynecology		
Utilization		
within		
Obstetrics		90%

- d) Bed Capacity: Obstetrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
- e) Total Bed Need for Obstetrics and the number of additional beds needed are as determined by:
 - 1) multiplying the projected female 15-44 population by the current fertility rate of the health planning area to obtain projected births;
 - 2) multiplying the projected number of births by a hospitalization factor of .99 (99%) to determine number of projected births occurring in hospitals;
 - 3) multiplying projected births occurring in hospitals by length of stay factor of 3.5 days to obtain projected maternity patient days;
 - 4) dividing the gynecology utilization (of the base year) within obstetric units by the current female 15+ population to obtain a use rate;
 - 5) multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

gynecology patient days;

- 6) dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
- 7) dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
- 8) dividing the projected gynecology patient days by .9 (90%) to determine obstetric beds for gynecology patients;
- 9) dividing the maternity average daily census by the occupancy target for new construction to obtain obstetric beds needed for maternity patients;
- 10) adding the maternity bed need (step 910) with the gynecology need (step 89) to determine total unadjusted obstetric bed need.
- 11) determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetrics service;
- 12) multiplying the total number of patients entering the area and those leaving the area by 3.5 to determine a patient day estimate for in-migration and out-migration;
- 13) multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
- 14) subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net in or out patient day migration estimate;*
- 15) dividing the net in or out patient day estimate by 365 to determine the average daily census for migration;
- 16) adding to net in-migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted obstetric bed need; in net out-migration areas subtract the average daily census for migration to determine adjusted obstetric bed need.
- 17) calculating the number of beds which should be added in each

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.540 Intensive Care Category of Service Beds

- a) Planning Areas: Same as M-S
- b) Age Groups: All ages
- c) Occupancy Targets--(Developed-based-upon-historical-data): 60%

Occupancy-Targets--
Modernization-and
Construction

Service

Intensive-Care

All-units-60%

- d) Bed Capacity: Intensive care beds capacity is the reported functional capacity of each patient room.

- e) Total Bed Need Determination for intensive care and the number of additional beds needed is determined by:

- 1) dividing the three year average of experienced intensive care patient days by the total base year population to obtain a use rate;
- 2) multiplying the use rate by the projected total population to obtain projected patient days;
- 3) dividing the projected patient days by days in year to obtain a projected average daily census;
- 4) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need.
- 5) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.550 Comprehensive Physical Rehabilitation Category of Service Beds

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Planning Areas: Health Service Areas as defined by DHS pursuant to PLR-98-644.

b) Age Groups: All ages

c) Occupancy Targets (Developed-based upon historical data): 85%

Service	Occupancy Targets-- Modernization and Construction	
	All-units	86%
Comprehensive-Physical-Rehabilitation		

d) Use Rate Minimum: 60% of state use rate. The minimum will apply if the area's experienced use rate falls below the minimum.

e) Bed Capacity: Comprehensive Physical Rehabilitation bed capacity is the lesser of measured bed capacity or functional bed capacity per individual patient room.

f) Total Bed Need for Comprehensive Physical Rehabilitation and the number of additional beds needed are as determined by:

- 1) multiplying the experienced use rate or minimum use rate if applicable by the projected area population to determine projected patient days for that area;
- 2) dividing the projected or planned patient days by 365 to obtain the projected average daily census; and
- 3) dividing the projected average daily census by the .85 (85%) occupancy factor to obtain the bed need.
- 4) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.560 Acute Mental Illness Categories of Service

a) Planning Areas:

- 1) For the Department of Mental Health and Developmental Disabilities, the State of Illinois;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2) For persons other than the Department of Mental Health and Developmental Disabilities, health service areas except for Areas VI and VII which are further delineated.

1) Health Service Areas as defined by the Department of Health and Human Services pursuant to the National Health Planning and Resources Development Act (42 U.S.G. 300K).

2) Health Service Areas VI and VII were further delineated and subdivided into geographic units called planning areas based upon following the existing designated subregions of the Department of Mental Health and Developmental Disabilities as closely as possible.

b) Age Groups: Children/Adolescents (Ages 0-17); Adults (Ages 18 and Over)

c) Occupancy Targets (Developed-based upon historical data): 85%

Service	Occupancy Targets-- Modernization and Construction	
	All-units	86%
Acute-Mental-Illness		

d) Bed Capacity: Acute Mental Illness bed capacity for facilities not operated by the Department of Mental Health and Developmental Disabilities is the lesser of measured bed capacity or functional bed capacity per individual room. For facilities operated by the Department of Mental Health and Developmental Disabilities all mental illness beds are counted as chronic beds. State facilities can provide acute mental illness care but for purposes of review only the service not the beds are recognized as acute.

e) Total Bed Need Determination and the number of additional beds needed for Acute Mental Illness in the private sector (i.e., for facilities other than those operated by the Department of Mental Health and Developmental Disabilities) are as determined by:

- 1) A bed need of .4 beds per 1,000 population is established in each planning area as the need baseline.
- 2) Calculate a state facility bed usage need per 1,000 population by dividing the total number of state beds utilized for Acute Mental Illness (AMI) service by the state population in thousands.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Subtract in each planning area the calculated state facility bed usage need per 1,000 population from the .4 per 1,000 population baseline to obtain an adjusted bed need rate.
- 4) Calculate an AMI adjustment factor by dividing private sector AMI admissions by the combined total private sector AMI and Substance Abuse admissions.
- 5) Multiply the adjusted bed need rate (step 3) by the AMI adjustment factor (step 4) to obtain a service adjusted bed need rate.
- 6) Divide the adjusted bed need rate from step 5 by an occupancy target of .85 (85%) then multiply the occupancy adjusted rate by the projected area population in thousands to arrive at the initial bed need.
- 7) Adjust the planning area bed need for migration:
 - A) determine the number of patients entering the planning area and the number of area residents leaving the planning area for acute mental illness service;
 - B) multiply the total number of patients entering the planning area by 20 to obtain in-migration days of care;
 - C) multiply the total number of patients leaving the planning area by 20 to obtain out-migration days of care;
 - D) multiply both the in-migration and out-migration days of care totals by a .85 (85%) adjustment factor;
 - E) subtract the smaller adjusted migration days of care total from the larger adjusted migration days of care total to determine the net patient day migration total (if the out-migration is largest the area is a net out-migration area while the reverse is true if in-migration days is the larger figure.);
- AGENCY NOTE: Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.
- F) divide the net in or out patient day migration total by 365 to determine the average daily census for migration;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- G) in the case of a net in-migration add the average daily census for migration to the initial bed need (step 6). In the case of a net out-migration, subtract the average daily census for migration from the initial bed need to obtain the calculated number of beds needed;
- 8) Calculate the number of additional beds needed in each area by subtracting the number of existing beds in private sector facilities from the calculated number of beds needed.

AGENCY NOTE:--The bed need may be further adjusted by an applicant for the purpose of the variance (77-111-Adm. Code-1110.730(e)(2)(6))--for age groups by multiplying the bed need per planning area by the percentage of area population in the specific age group (if 60% of an area's population was 18 and over then 60% of needed beds would be for this age group).
- f) No formula bed need for state operated facilities has been developed. It is the responsibility of the applicant to document the need for a project by complying with the Review Criteria contained in 77 Ill. Adm. Code 1110.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.570 Substance Abuse Category of Service Beds

 - a) Planning Areas: Health Service Areas HSAs--as defined by the Department of Health and Human Services pursuant to the National Health Planning and Resources Development Act (42-U.S.C. 300k).
 - b) Age Groups: all ages
 - c) Occupancy Targets (Developed based upon historical data): 90%

Service	Substance Abuse	All units	90%
Occupancy Targets-- Modernization and Construction			
 - d) Bed Capacity: Substance Abuse bed capacity is the lesser of measured bed capacity or functional bed capacity per individual bed room.
 - e) Bed Need Determination--Substance Abuse

The State Board recognizes that there is a need for facilities and beds for the treatment of substance abuse and encourages the establishment of these beds outside of inpatient facilities and state-operated facilities. Therefore, this Subchapter does not specify or program bed need for substance abuse, although all substance abuse facilities and their beds are inventoried by the Agency. No formula bed need for substance abuse has been developed. It is the responsibility of the applicant to document justify the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 110.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.580 Neonatal Intensive Care Category of Service Perinatal/High Risk-Beds

- a) Planning Areas: (HSA-means-Health-Service-Area)
- | | | | |
|-------|----------|-------|----------------|
| HSA | 1 | HSA's | 5 and 11 |
| HSA's | 2 and 10 | HSA's | 6, 7, 8, and 9 |
| HSA's | 3 and 4 | | |
- The State Board encourages the statewide health planning organizations in the Chicago Metropolitan Area to coordinate efforts to develop a proper distribution of perinatal centers throughout the area.
- b) Occupancy Targets (Developed-Based-upon-historical-data): 75%
- | | |
|----------------------------|--|
| Service | Occupancy-Targets--
Modernization-and
Construction |
| High-Risk-Beds-for-Infants | 75% |
- c) Bed Capacity: Neonatal Intensive Care Perinatal/High-Risk Bed Capacity is the reported functional capacity per patient room. Bed-capacity-refers-only-to-bassinets-used-for-intensive-high-risk neonates.
- d) Bed Need Determination - Neonatal Intensive Care High-Risk-Beds for-Infants:
- No formula bed need for intensive neonatal intensive care beds has been developed. It is the responsibility of the applicant to document the need for the number of intensive neonatal intensive

beds proposed by complying with the Review Criteria contained in 77 Ill. Adm. Code 110. Documentation-submitted-pursuant-to-this subchapter-must-justify-beds-proposed-through-market-studies which-reflect-such-factors-as-infant-mortality, infant-birth weight, facility-market-share-and-project-demand-for-service within-the-planning-area-to-be-served. High-risk-beds-shall-be located-only-in-facilities-recognized-as-providing-intensive neonatal-services-as-reflected-in-the-May-15, 1988-amendments-to the-inventory-of-Health-Care-Facilities-and-Bed-Need Determinations-by-Planning-Area-promulgated-by-the-Health-Care Facilities-Planning-Board-and-which-for-the-1986-calendar-year period-reported-level-3-utilization-in-the-Annual-Hospital Questionnaire-required-by-the-Department-of-Public-Health--(See 77-III-Adm-Code-110.920(a))

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.590 Burn Category of Service Beds

- a) Planning Areas: (HSA-means-Health-Service-Area)
- | | | | |
|-------|----------|-------|----------------|
| HSA | 1 | HSA's | 5 and 11 |
| HSA's | 2 and 10 | HSA's | 6, 7, 8, and 9 |
| HSA's | 3 and 4 | | |
- b) Age Groups: All ages
- c) Occupancy Targets (Developed-based-upon-historical-data): 60%
- | | |
|---------|--|
| Service | Occupancy-Targets--
Modernization-and
Construction |
| Burn | All-units 80% |
- d) Bed Capacity: Burn bed capacity is the reported functional capacity of the burn unit.
- e) Burn Incidence:
- A standard estimate is that annually one in every 5,283 persons will have a burn accident requiring hospitalization and treatment in a burn care center/unit. The number of burn victims requiring hospitalization can be determined by calculating the number of annual burn admissions by planning area.
- fe) Total Bed Need Determination and the number of additional beds

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

needed for Burn care are determined by:

- 1) A standard estimate is that annually one in every 5,283 persons will have a burn accident requiring hospitalization and treatment in a burn care center/unit.
- 2) The number of burn victims requiring hospitalization can be determined by calculating the number of annual burn admissions by planning area--therefore, to determine bed need in a planning area the procedure is as follows:
 - 1A) Calculating the number of expected annual burn treatment patients requiring care by taking dividing the projected planning area population and dividing it by 5,283.
 - 2B) Calculate projected patient days by multiplying by 18 days (average length of stay).
 - 3C) Calculate average daily census by dividing projected patient days by 365.
 - 4D) To determine the number of burn center/unit beds needed, divide by .80 (optimum occupancy factor of 80%).
 - 5E) Calculate the number of burn beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.610 Open Heart Surgery Category of Service

- a) Planning Areas: Health Service Areas as defined by the Department of Health and Human Services pursuant to PLR-93-647.

b) Utilization Standards:

- 1) Adult: There should be a minimum of 200 open heart procedures performed annually by each facility within three years after initiation, in any institution in which open heart surgery is performed for adults. Higher case loads, over 200 per annum, are encouraged.
- 2) Pediatric: There should be a minimum of 75 to 100 pediatric open heart operations performed annually by each facility within three years after initiation of the service in any institution in which pediatric open heart surgery is performed, of which 75 should be open heart surgery.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Adult/Pediatric: The defined minimum utilization standards for both adult and pediatric shall apply for programs doing both adult and pediatric open heart surgery.

c) Open Heart Surgery Programs:

The need for an open heart surgery category of service shall be institution specific and determined by the volume of at least 200 patients referred to other institutions for surgery following a cardiac catheterization procedure at the applicant facility or a minimum of 750 cardiac catheterizations were performed annually at the applicant facility population-based--the development of new surgical programs and services shall be based on identified populations of 500,000 or more who are not within 90 minutes travel time of a facility currently providing or approved to provide open heart surgery.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.630 Chronic Renal Dialysis Category of Service End-Stage Renal Disease

- a) Planning Areas: Health Service Areas HSAs as defined by the Department of Health and Human Services pursuant to the National Planning and Resources Development Act are utilized in the review of Renal Dialysis Centers or facilities--the entire State of Illinois is the planning area for Renal Transplantation Centers.

b) Utilization Standards:

Renal Dialysis Centers or facilities must operate at a minimum of 80 percent utilization rate, assuming three patient shifts per day per renal dialysis station operating six 6 days a week.

- c) Need Determination-Chronic Renal Dialysis End-Stage Renal Dialysis:

The chronic renal dialysis end-stage renal disease station need is a two-year projection from the base year. The need for additional treatment stations can be estimated utilizing the following methodology:

- 1) Determine the patient population receiving dialysis services in the base year.
- 2) Determine the number of new patients who will need dialysis services by adding a net increase of 56 new patients per million population annually.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Add the number of patients currently in dialysis (Step (1)) to the number of new patients expected (Step (2)) to determine maximum projected population volume.
- 4) Adjust the maximum projected population volume by subtracting a 10% annual attrition rate due to death and successful transplantation.
- 5) Adjust the projected projected patient volume determined in (Step (4)) downward by subtracting a projected number of patients who will receive home dialysis. This projection is based on the percentage of patients receiving home dialysis within the planning area in the base year when that percentage exceeds 12.4 percent. When the percentage falls below 12.4 percent, a minimum percentage of 12.4 percent will be applied.
- 6) Utilizing the adjusted projected patient volume determined in (Step (5)) determine the total number of estimated institutional procedures per year by multiplying the projected patient volume from (Step (5)) by an average number of procedures per patient per year (156). This utilization rate is based on a 3 times weekly treatment schedule.
- 7) Determine the number of dialysis stations needed by dividing the number of estimated procedures per year (Step (6)) by a recommended average procedures per year of 750 500 which is based on an optimal 80% utilization rate.
- 8) Subtract the number of existing stations from the projected number of needed stations to determine the need for additional stations in the area.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.660 General Long-Term Care Category of Service Beds

("General Long-Term Care" is defined in 77 Ill. Adm Code 1110.1720(a)).

- a) Planning Areas: 110 areas in 11 regions
 - 1) Planning Areas for the Chicago-Health-Service-Area--The City of Chicago is divided into geographic units called community areas--in delineating planning areas, community areas were combined taking into account socio-economic data long-term care patient origin studies conducted by the Department of Public Health, the distribution of beds and facilities serving the existing population, the relationship

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- of existing facilities to other health care facilities including acute care facilities and the planning guidelines specified above. Particular attention was given to areas which have limited accessibility and to time distance factors within the City--this plan establishes 11 planning areas for the City of Chicago
- 2) Planning Areas for the Suburban Cook and DuPage Counties Health-Service-Area--Planning areas for the Suburban Cook County and DuPage County health service area were based on combinations of townships utilizing the guidelines and socio-economic factors previously stated--twelve planning areas are established within this health service area
- 3) Planning Areas for Other Health-Service-Areas
 - A) Based upon an analysis of socio-economic data, patient origin studies, and planning guidelines, it was determined that planning areas should be determined with county boundaries for MSAs outside of Cook and DuPage counties
 - B) In some instances, it was necessary to combine counties in order to have a sufficient population base to provide a broad range of services
- b) Age Groups: 0-64, 65-74 and 75 and over.
- c) Occupancy targets ("Modernization"--target based upon historical data and "Construction"--target based upon 5 years projected data): Modernization 85%; Additional Beds 90%

Service	Occupancy Targets-- Modernization and Construction
General Long-Term Care	Modernization--85% Construction--90%

d) Need Determination Categories of Service:

- 1) Bed need in for the General Long-Term Care Classification of Facilities only is will be calculated for the Nursing Category of Service only which includes the skilled nursing level of care and/or the intermediate nursing levels of care.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

2) No formula bed need for the sheltered care category of service has been developed. It is the responsibility of the applicant to document the number of beds needed in any proposed project by complying with the Review Criteria contained (77 Ill. Adm. Code 11101).

2) The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) are multiplied by the projected age group populations for the HSA.

e) Minimum Use Rate:

In assessing the bed need for the Nursing Category of Service, minimum use rates are established in order to promote the development of beds in underserved areas, the formula developed evaluates current facility usage by age groups (0-64, 65-74 and 75 and over) as reflected throughout the entire HSA.

3) The results of the "experienced use rate calculations" and the "HSA minimum and maximum use rate calculations", for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum the maximum rate for that age group is utilized. If it falls below the minimum the minimum use rate for that age group is utilized in the need projection.

1) Calculation of HSA Use Rates--in order to evaluate a planning area's use rate (patient days per 1,000 population), it is first necessary to determine the overall HSA use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days for each age group by the area population for that age group.

h) Bed Capacity: Skilled, intermediate and sheltered General Long-Term care bed capacity is the licensed bed capacity for the service.

2) Minimum Rates--To Establish a minimum use rate for each age group, the rate established by multiplying the HSA use rate for each age group is multiplied by .6 (60%).

i) Total Bed Need and the number of additional beds needed for care are General-Long-term-care is determined by:

f) Maximum Use Rate:

In order to prevent the over-development of beds in a planning area, a ceiling on the use rate for each HSA is established.

1) Calculation of HSA use rates--in order to evaluate a planning area's use rate it is necessary to determine the overall HSA use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days in each age group by the area population for that age group.

1) Multiplying the formula or planned use rate for each age group by the planning area's projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;

2) The three age group projections are summed to reflect "total area projected patient days";

3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;

4) Dividing the projected average daily census by the .9 (90%) occupancy factor to obtain the total number of beds needed; and

2) Maximum rates--To Establish a maximum use rate for each age group, the rate established by multiplying the HSA use rate for each age group is multiplied by 1.6 (160%).

5) Subtracting the number of existing beds in the area from the total number of beds needed to determine see-~~is~~ additional beds are needed ~~in the area~~ or ~~if an~~ the excess number of beds existing.

g) Formula or Planned Use Rate:

1) Each planning area's experienced use rate is then calculated for each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.670 Specialized Long-Term Care Categories of Service Beds

a) Categories of Service:

1) The Chronic Mental Illness (M.I.) Category of Service,

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) The Long-Term Care for the Developmentally Disabled (Adult) Category of Service and
- 3) The Long-Term Care for the Developmentally Disabled (Children) Category of Service, and
- 4) Long-Term Medical Care for Children.
- ba) Planning Areas: Health-Service-Areas-as-defined-by-the-Department of-Health-and-Human-Services-pursuant-to-P.L. 93-641.
- 1) The State of Illinois is utilized for the chronic mental illness and long-term medical care for children categories of service;
- 2) Health Service areas are utilized for the developmentally disabled children and adult categories of service.

b) Age-Groups:

- 1) For-the-Chronic-Mental-Illness-(M.I.)-Category-of-Service, the-population-base-is-the-total-population-of-the-Health Service-Area.
- 2) For-the-Long-Term-care-for-the-Developmentally-Disabled (Adult)-Category-of-Service-(including-Intermediate-Care Facilities-For-the-Developmentally-Disabled-of-Fifteen-(15) Beds-or-Less)-the-population-base-is-the-total-population of-the-Health-Service-Area-ages-19-years-and-above-(Adult population).

- c) Occupancy Targets ("modernization"-target-based-upon-historical data-and-"Construction"-target-based-upon-5-years-projected data): Modernization 80%; Additional Beds 90%

Service	Occupancy-Targets-- Modernization-and Construction
Specialized-Long-Term-Care	Modernization 80% Construction 90%

d) Categories-of-Service:

- 1) The-Chronic-Mental-Illness-(M.I.)-Category-of-Service;
- 2) The-Long-Term-Care-for-the-Developmentally-Disabled-(Adult)-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Category-of-Service-(including-Intermediate-Care-Facilities For-the-Developmentally-Disabled-of-Fifteen-(15)-Beds-or Fewer)-and

- e) Minimum-Use-Rate--60%-of-State-Use-Rate--The-State-Use-Rate-is Calculated-by-dividing-total-patient-days-for-the-State-by-the total-state-population.

f) Planned-Use-Rate:

An-experienced-use-rate-(patient-days-per-1,000-population)-is determined-for-each-category-of-service-(excluding-chronic-mental illness-and-long-term-medical-care-for-children)-by-Health-Service Area-by-dividing-the-utilization-data-for-each-category-of service-by-the-population-base--The-experienced-use-rate-shall-be used-as-the-"Planned-Use-Rate"--Unless-the-experienced-use-rate-is below-the-minimum-use-rate--If-the-experienced-use-rate-is-below the-minimum-use-rate, then-the-minimum-use-rate-shall-be utilized.

dg) Bed Capacity: Specialized-Long-Term-Care-services For facilities licensed pursuant to the Nursing Home Care Act (Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 4151-101 et seq.) the bed capacity is the licensed bed capacity for the service. In state operated facilities the bed capacity is the reported functional capacity. For facilities licensed pursuant to the Hospital Licensing Act the bed capacity is the lesser of measured bed capacity or functional bed capacity per patient room.

- e) Bed Need Determination for the Specialized Categories of Service:

No formula bed need for these categories of service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 1110.

- h) Developmental-Disabilities--Total-Bed-Need-for-Specialized Long-Term-Care:

1) Chronic-Mental-Illness:

- 2) Long-Term-Care-for-the-Developmentally-Disabled-(Adult)-and

- 3) Long-Term-Care-for-the-Developmentally-Disabled-(Children):

- A) Multiplying-the-experienced-or-minimum-use-rate (whichever-is-applicable)-for-the-category-of-service (by-health-service-area)-by-the-projected-population-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Need Determination - One program is needed for a population base of two million unserved people within a three-hour travel time.

c) Utilization Standards - Minimum utilization of 25 transplants annually.

(Source: Added at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

base-for-that-category-of-service-in-order-to-obtain the-projected-or-planned-patient-days-for-that category-of-service-in-the-health-service-area;

B) Dividing the projected or planned patient days by 365 (days) to obtain the projected average daily census;

C) Dividing the projected average daily census by the 90% occupancy factor to obtain the total number of beds needed; and

D) Subtracting the number of existing beds in the area from the total number of beds needed to see if additional beds are needed in the area or if an excess number of beds exists;

4) Bed-Need-Determination-for-the-Long-Term-Medical-Care-for-Children Category-Service---A-need-for-additional-beds-exists-when-it-is determined-in-a-service-or-planning-area-that-the-following conditions-can-be-quantified:

1) The-existence-of-a-population-group-ages-0-18-years-which requires-long-term-medical-treatment;

2) That-such-population-requires-special-programs-and/or services;

3) That-insufficient-facility-space-and/or-services-exist-to meet-the-needs-of-such-population;

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1100.720 Selected Organ Transplantation

a) Planning Area - The State of Illinois

b) Need Determination:

No formula need has been developed for this category of service. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 1110.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 1100.730 Renal Transplantation

a) Planning Area - The State of Illinois

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part:
Processing, Classification Policies and Review Criteria

- 2) Code Citation:

77 Ill. Adm. Code 1110

- 3) Section Numbers:**

Proposed Action:

1110.20	Repealed
1110.30	Amendments
1110.40	Amendments
1110.55	Amendments
1110.230	Amendments
1110.240	Added
1110.320	Amendments
1110.420	Amendments
1110.530	Amendments
1110.630	Amendments
1110.730	Amendments
1110.830	Amendments
1110.910	Amendments
1110.920	Amendments
1110.930	Amendments
1110.1030	Amendments
1110.1210	Amendments
1110.1220	Amendments
1110.1230	Amendments
1110.1410	Amendments
1110.1420	Amendments
1110.1430	Amendments
1110.1730	Amendments
1110.1830	Amendments
1110.2030	Amendments
1110.2310	Amendments
1110.2320	Amendments
1110.2330	Amendments
1110.2410	Added
1110.2420	Added
1110.2430	Added

- 4) Statutory Authority:

Health Facilities Planning Act
 111. Rev. Stat. 1989, ch. 111 1/2, par. 1151 et seq.

- ### 5) A Complete Description of the Subjects and Issues Involved:

NOTICE OF PROPOSED AMENDMENTS

The part is being modified to present a more consistent style of writing. The section changes are itemized below:

- | | |
|--------------------------------------|--|
| ° 1110.20 | Duplicate rules found in Part 1130 and are to be deleted. |
| ° 1110.30 | Style changes, correction of reference, and new clause which discusses public hearing testimony. |
| ° 1110.40 | Format changes and introduction of new reference numbers due to change in general standards. |
| ° 1110.55 | Revisions to include effective rule dates of referenced regulations. |
| ° 1110.230 | Elimination of federally mandated review standards and a combination of existing standards into a new format. |
| ° 1110.320 | New format for regulation and an elimination of standards which were moved to general review criteria. |
| ° 1110.420 | New format and elimination of standards which are now covered in general standards. |
| ° 1110.530 | New presentation style and the elimination of a medically underserved variance in favor of an access orientation. |
| ° 1110.630 | Reduction in requirements for new rehabilitation programs and format changes. |
| ° 1110.730 | Format changes and the inclusion of new statutory language on bed development. Section also changes the definition of acute services which are provided in state facilities. |
| ° 1110.830 | Format changes and new reporting requirements. |
| ° 1110.910,
1110.920,
1110.930 | New sections on neonatal care which establish new policies on what is reviewed and adjusts regulations to new Department policy of allowed level III beds to be developed outside Perinatal Centers. |
| ° 1110.1030 | Format changes. |

New sections on neonatal care which establish new policies on what is reviewed and adjusts regulations to new Department policy of allowed level III beds to be developed outside Perinatal Centers.

NOTICE OF PROPOSED AMENDMENTS

◦ 1110.1210,
1110.1220,
1110.1230
Format changes to open heart surgery and expansion
which shifts need policy to the history, caseload of
the applicant.

◦ 1110.1410,
1110.1430
Format changes and a policy change which makes all
organ replacement surgery standards consistent and
focus shifted to only dialysis.

◦ 1110.1730
Format changes and new standard on zoning.

◦ 1110.1830
Format changes, new on zoning standard, elimination of
redistribution variance (not needed due to elimination
of need formula and new standard for chronic mental
illness bed development.

◦ 1110.2030
Format changes and the insertion of need language and
usage standard.

◦ 1110.2310,
1110.2320,
1110.2330
Revisions to format and name of service.

◦ 1110.2410,
1110.2420,
1110.2430
New sections on kidney transplantation added to make a
consistent format for presentation of all category of
service standards.

Note: Format changes indicate a new general style change which
indicates what the applicant must document and the nature of the
documentation. Changes reflect additions to clarify
documentation and to reformat standards in this presentation
style.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?
Yes ☐ No ☒

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒
If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference? _____

Yes ☐ No ☒
If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐
9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒
If Yes: _____

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

10) Statement of Statewide Policy Objectives:

The Certificate of Need program, though the evaluation of new capital
and service projects, will reduce the growth in health care costs by
preventing the unnecessary duplication of beds and services. The
proposed changes to these regulations will improve the review process
and will have no impact on local governments.

11) Time, Place, and Manner in which Interested Persons May Comment on
this Rulemaking:

Interested persons may present their comments concerning these rules
by writing to Gail M. DeVito, Division of Governmental Affairs,
Illinois Department of Public Health, 535 West Jefferson, Fifth Floor,
Springfield, Illinois 62761 within 45 days after this issue of the
Illinois Register.

A public hearing will be held on October 30, 1991 at
1:30 p.m. at the Executive House Hotel, 71 East Wacker
Drive, Chicago, Illinois.

These rules may have an impact on small businesses. In accordance with
Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any
small business may present their comments in writing to Gail M. DeVito at
the above address.

Any small business (as defined in Section 3.10 of the Illinois
Administrative Procedure Act) commenting on these rules shall indicate
their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of
the Department of Commerce and Community Affairs:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Type of Small Businesses Affected:

Healthcare.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section
1110.10
1110.20
1110.30
1110.40
1110.50
1110.55

Introduction to Part 1110
Projects Required to Obtain a Permit (Repealed)
Processing and Reviewing Applications
Classification of Projects
Recognition of Services Which Existed Prior to Permit Requirements
Recognition of Non-Hospital Based Ambulatory Surgery Category of Service

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section
1110.110
1110.120
1110.130

Introduction
Discontinuation--Definition
Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL
PROJECTS OTHER THAN DISCONTINUATION

Section
1110.210
1110.220
1110.230
1110.240

Introduction
Definitions--General Review Criteria
General Review Criteria
Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section
1110.310
1110.320

Introduction
Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section
1110.410
1110.420

Introduction
"Modernization Review Criteria"

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section
1110.510 Introduction
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive
Care--Definitions
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review
Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--COMPREHENSIVE
PHYSICAL REHABILITATION

Section
1110.610 Introduction
1110.620 Comprehensive Physical Rehabilitation--Definitions
1110.630 Comprehensive Physical Rehabilitation Beds--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

Section
1110.710 Introduction
1110.720 Acute Mental Illness--Definitions
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section
1110.810 Introduction
1110.820 Substance Abuse--Definitions
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--
NEONATAL INTENSIVE CARE PERINATAL/HIGH-RISK

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care Neonatal/High-Risk--Definitions
1110.930 Neonatal Intensive Care Perinatal/High-Risk--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section
1110.1010 Introduction
1110.1020 Burn--Definitions
1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--
THERAPEUTIC RADIOLOGY

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
1110.1110 Introduction
1110.1120 Therapeutic Radiology--Definitions
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--OPEN
HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery--Definitions
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC
CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization--Definitions
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS
END-STAGE-RENAL-DISEASE

Section
1110.1410 Introduction
1110.1420 Chronic Renal Dialysis End-Stage-Renal-Disease--Definitions
1110.1430 Chronic Renal Dialysis End-Stage-Renal-Disease--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL
BASED AMBULATORY SURGERY

Section
1110.1510 Introduction
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to
This Part
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER
SYSTEMS

Section
1110.1610 Introduction (Repealed)
1110.1620 Computer Systems--Definitions (Repealed)
1110.1630 Computer Systems--Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL
LONG-TERM CARE

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
1110.1710 Introduction
1110.1720 General Long-Term Care--Definitions
1110.1730 General Long-Term Care--Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED LONG-TERM CARE

Section
1110.1810 Introduction
1110.1820 Specialized Long-Term Care--Definitions
1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--MAGNETIC RESONANCE

Section
1110.1910 Introduction
1110.1920 Magnetic Resonance--Definitions
1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section
1110.2010 Introduction
1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions
1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section
1110.2110 Introduction
1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions
1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

Section
1110.2210 Introduction
1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions
1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA - EXTRA-RENAL ORGAN TRANSPLANTATION

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
1110.2310 Introduction
1110.2320 Selected Extra-Renal Organ Transplantation--Definitions
1110.2330 Selected Extra-Renal Organ Transplantation--Review Criteria

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section
1110.2410 Introduction
1110.2420 Kidney Transplantation--Definitions
1110.2430 Kidney Transplantation--Review Criteria

APPENDIX A Medical Specialty Eligibility/Certification Boards

APPENDIX B State and National Norms on Square Footage by Department

APPENDIX C Statutory Citations for all State and Federal Laws and Regulations Referenced in Chapter 1110 3

AUTHORITY: Implementing and authorized by The Illinois Health Facilities Planning Act (111. Rev. Stat. 19897, ch. 111 1-2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983, amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987, amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section 1110.20 Projects Required to Obtain a Permit (Repealed)

A permit is required if a proposed project meets one or more of the following review thresholds:

a)

1) The proposed project requires a total capital expenditure in excess of the capital expenditure minimum.

2) In general, all costs or amounts which under generally-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

accepted-accounting-practices-would-be-capitalized-are-to-be-counted-For-buildings-or-equipment-to-be-acquired-by-lease-or-ift-the-dollar-value-shall-be-the-cost-that-would-be-required-for-purchases

b)

- 1) The-proposed-project-"SUBSTANTIALLY-CHANGES-THE-SCOPE-OR-CHANGES-THE-FUNCTIONAL-OPERATION-OF-THE-FACILITY"
- 2) An-application-for-permit-is-required-for-all-or-such-part-of-construction,modernization-or-modification-projects-of-facilities-which-substantially-change-or-alter-the-scope-or-change-the-functional-operation-of-the-facility-as-defined-in-77-IlI-Adm-Code-1100.220-("Substantially-Changes-The-Scope-Or-Changes-The-Functional-Operation-Of-The-Facility")-even-if-the-attendant-capital-expenditure-is-less-than-the-original-expenditure-minimum

e)

- 1) The-proposed-project-"SUBSTANTIALLY-CHANGES-THE-BED-COUNT-OF-A-HEALTH-CARE-FACILITY"
- 2) An-application-for-permit-is-required-for-all-or-such-parts-of-construction-or-modification-projects-of-facilities-providing-categories-of-service-inventoried-in-this-Part-which-substantially-change-the-bed-capacity-of-the-health-care-facility-as-defined-in-77-IlI-Adm-Code-1100.220-("Substantially-Changes-The-Bed-Count-Of-A-Health-Care-Facility")-it-should-be-noted-that-daily-or-seasonal-fluctuations-in-bed-complement-do-not-constitute-a-change-in-bed-capacity-and-are-not-subject-to-this-Subchapter

- 3) A-permit-is-required-even-if-the-attendant-capital-expenditure-is-less-than-the-capital-expenditure-minimum-or-if-there-is-not-a-capital-expenditure

d)

- 1) The-proposed-project-involves-"Discontinuation"
- 2) "Discontinuation"-of-a-health-care-facility-in-whole-or-in-part-is-included-in-the-definition-of-"Construction-or-Modification"-An-application-for-permit-is-required-for-"Discontinuation"-of-a-facility-a-category-of-service-or-ten-beds-in-a-service-over-a-two-year-period-unless-that-"Discontinuation"-is-the-result-of-revocation-of-license-or-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

denial-of-licensed-renewal-by-a-state-or-local-regulatory-body

- 3) A-permit-is-required-even-if-the-attendant-capital-expenditure-is-less-than-the-capital-expenditure-minimum-or-if-there-is-not-a-capital-expenditure

e)

- 1) The-proposed-project-involves-the-ACQUISITION-OF-MAJOR-MEDICAL-EQUIPMENT-as-defined-in-77-IlI-Adm-Code-1100.220-("Major-Medical-Equipment")-unless-an-exemption-has-been-granted-for-such-acquisition-under-the-provisions-of-77-IlI-Adm-Code-1160-of-the-Rules-of-the-State-Board
- 2) A-permit-is-required-if-the-attendant-capital-expenditure-is-greater-than-the-capital-expenditure-minimum-or-when-the-acquisition-of-such-equipment-constitutes-the-establishment-of-a-category-of-service-regardless-of-project-cost

f)

- 1) The-proposed-project-involves-a-CHANGE-IN-THE-OWNERSHIP-OF-the-facility-unless-an-exemption-has-been-granted-for-such-change-of-ownership-under-the-provisions-of-77-IlI-Adm-Code-1160-of-the-Rules-of-the-State-Board

- 2) A-permit-is-required-for-change-of-ownership-if-the-attendant-capital-expenditure-is-less-than-the-capital-expenditure-minimum-or-if-there-is-not-a-capital-expenditure

(Source: Repealed at 15 Ill. Reg. _____, effective _____)

Section 1110.30 Processing and Reviewing Applications

- a) The procedures for processing all applications for permit are specified in 77 Ill. Adm. Code 1130.1160 (Health Facilities Planning Procedural Rules Processing an Application for Permit and Validity of Permits).

- b) All applications will be reviewed and evaluated on an individual basis in order to determine compliance with all applicable general review criteria found in Parts 1110 and 1120 in effect at the time the application is deemed complete and applicable specific review criteria which relate to the scope of the proposed project.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

e) This Subchapter is to be revised at least annually. Applications for permits for establishment, construction or modification shall be reviewed under the Edition of this Subchapter in effect at the time that such applications are received by the State Agency. These provisions do not apply to the need figures established in the inventory appendices to this part.

cd) Applications for permit shall be subject to which involve the establishment, addition or reduction of beds shall be reviewed to determine compliance with the need figures set forth in the update to the inventory (refer to Section 1100.70) made most recently for the month prior to the date the any State Board takes action on the application. ~~State Board action~~ For the purposes of this subsection, "State Board action" includes the is defined as any of the following: the approval, issuance of a notice of intent to deny or denial of an application by the State Board.

d) All applications are subject to public hearing requirements under Section 8 of the Act. All evidence submitted pursuant to the provisions of Part 1200 on an application shall be taken into account in the determination of compliance or noncompliance of an application with specific review criteria. The State Agency shall utilize such evidence in its preparation of findings.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.40 Classification of Projects

When an application for permit has been received by the State Board Agency, the Executive Secretary shall classify the project into one of the following classifications:

a) Substantive Review Classification

Projects subject to substantive review are those construction, modification or equipment projects (either in total or in part) for proposed or existing facilities or equipment that provide or intend to provide categories of service (as delineated in Sections of this Subchapter). All projects of existing or proposed facilities subject to review under this Subchapter shall be classified "substantive" unless they are found to be "non-substantive" or "emergency" projects as delineated in subsection (b) or (c) below:

ab) Emergency Classification

1) Emergency projects are subject to the review process and are

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

those construction or modification projects which are necessary because there exists one or more of the following conditions:

- A) An imminent threat to the structural integrity of the building; or
- B) An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.

2) Since the State Board recognizes that applications for "Emergency" projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following review criteria:

- A) That the project is indeed, an "Emergency" project as defined in subsections (b)(1)(A) or and (B) above; and
- B) That failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
- C) That the "Emergency" conditions did not exist longer than 30 days prior to requesting the "Emergency" classification.

Non-Substantive Review Classification.

Non-substantive projects are those establishment, construction, modification or equipment projects in total which consist solely of have the following characteristics detailed in this subsection. Applications shall be evaluated only against the review criteria set forth below:

1) Emergency Conservation

- A) Projects for "Energy Conservation", provided that:
 - 1) The proposed project is seeking funding under P.L. 95-619, The National Energy Conservation Policy Act (42 U.S.C. 300 et seq.);
 - 2) The sole purpose and content of the proposed project is for "Energy Conservation"; and
 - 3) The proposed project has been recommended for

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

funding by the Illinois Department of Energy and Natural Resources.

- B) Such projects shall address and be reviewed under Review Criteria Sections 110.230(e), (f), and (g), and 110.420(b).
- 2) Projects for modernization of an existing facility for the purposes of eliminating or preventing imminent safety hazards as defined by federal, State or local fire, building, or life safety codes or regulations, complying with State licensure standards, or complying with accreditation or certification standards which must be met to receive reimbursement under title XVII of the Social Security Act (42 U.S.C. 1395) or payments under a State plan for medical assistance approved under title XIX of that Act (42 U.S.C. 1396), the State Board shall approve such projects providing that such projects meet the Review Criteria outlined in Sections 110.230(e), and (f), and 110.420(a), (b), and (e).
- 3) Children and Family Service Projects
- A) Projects for facilities licensed by the Illinois Department of Children and Family Services which are currently providing long term care services and are seeking licensure by the Department of Public Health pursuant to the Nursing Home Care Act (111 Rev. Stat. 1997, ch. 111-1/2, pars. 151-101 et seq.), as now or hereafter amended, provided that
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
- ii) There is not a "Substantial Change in Bed Count";
- iii) There is not a "Substantial Change in the Scope or Functional Operation of the Facility";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230.
- 4) Discontinuation
- A) Projects for "Discontinuation" as defined in Section 110.240, (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z), must also be addressed.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) The discontinuation does not create a need for additional beds in the planning area in which the facility is located; or
- ii) The project is for the "Total Discontinuation" of a distinct unit of 5 beds or less.
- B) Such projects shall address and be reviewed under Review Criteria in Section 110.130.
- 5) Projects solely for the Sheltered Care Category of Service
- Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230.
- 6) Change in Ownership
- A) Projects involving a change in ownership, provided that
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
- ii) There is not a "Substantial Increase in Bed Count";
- iii) There is not a "Substantial Change in the Scope or Functional Operation of the Facility";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230.
- 7) Projects for the acquisition of major medical equipment which will be utilized for the treatment of inpatients and which do not establish a category of service. Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230 and the appropriate category of service specific criteria.
- 8) Projects for the establishment of Intermediate Care Facilities for the Developmentally Disabled of fifteen (15) Beds or Less. Such projects shall address and be reviewed under the Review Criteria contained in Section 110.230(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z). In addition, the Review Criteria contained in Section 110.230(a) and Section 110.230(b), (c), and (d) must also be addressed.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

A) Consist-entirely-of-construction-or-modification-in-the-following-area

Applicable Project Type

Review Criteria

Establishment of long-term care facilities licensed by the Department of Children and Family Services.

Section 1110.230 and Part 1120 as applicable.

Discontinuation of beds or category of service.

Section 1110.130 and Part 1120 as applicable.

Developmentally Disabled of Service Categories.

Section 1110.230(a), (b), (c), (d), (e), (f), (g), Section 1110.320(a); Section 1110.1830(b), (c), (d) and Part 1120 as applicable.

Acute Care Beds Certified for Extended Care Category of Service as defined to the Health Care Financing Administration (42 CFR 405.471 (1987)).

Section 1110.230(a), (c), (g) and Part 1120 as applicable.

Chronic Renal Dialysis Category of Service.

Section 1110.230(a), (b), (c), (d), (e), (g) and Part 1120 as applicable.

Residential units and apartments.

Section 1110.230(a), (b), (c), (d), (e), (f), (g) and Part 1120 as applicable.

Computers

Section 1110.230(e), (g); Section 1110.420(b) and Part 1120 as applicable.

Projects intended solely to provide care to patients suffering from Acquired Immunodeficiency Syndrome (AIDS) or related disorders such as AIDS Related Complex (ARC).

Section 1110.230, Section 1110.320, Section 1110.420 and Part 1120 as applicable.

NOTICE OF PROPOSED AMENDMENTS

9) Projects for the establishment of the "Acute-Care-Beds Certified-for-Extended-Care"-Category-of-Service-provided that-facilities-proposing-to-establish-this-category-of Service-meet-the-requirements-of-regulations-for-such-usage as-developed-by-the-Health-Care-Financing-Administration (42-CFR-405.471(1987)).-Such-projects-shall-address-and-be reviewed-under-all-Review-Criteria-contained-in Section-1110.230.

10) Developmentally-Disabled-Licensure

A) Projects-for-these-facilities-(currently-licensed-for "General-Long-Term-Care"-but-having-a-defined population-of "Developmentally-Disabled"-residents) which-have-been-mandated-by-the-Department-of-Public Health-to-keep-either-total-or-"distinct-part" licensure-as-an-intermediate-Care-Facility-for-the Developmentally-Disabled-(ICF/ID)-facility-provided that

1) There-is-not-a-capital-expenditure-in-excess-of the-capital-expenditure-minimum;

1) There-is-not-a-"Substantial-Change-In-Bed Count";

B) Such-projects-shall-address-and-be-reviewed-under Review-Criteria-contained-in-Section-1110.230.

1) Projects-for-the-establishment-of-a-new-ESRD-facility,-the expansion-of-an-existing-facility-or-the-relocation-of-an existing-ESRD-(End-Stage-Renal-Disease)-service-from-one physical-site-to-another.-Such-projects-shall-address-and be-reviewed-under-all-Review-Criteria-contained-in Section-1110.230-and-the-appropriate-category-of-service specific-criteria

12) Residential-Units-and-Apartments

A) Residential-units-and-apartments-(not-classified-as long-term-care-categories-of-service-and-not-subject to-licensure-pursuant-to-the-"Nursing-Home-Care-Act" as-amended);

B) Such-projects-shall-address-and-be-reviewed-under-all Review-Criteria-contained-in-Section-1110.230.

13) Projects-which-have-all-the-following-characteristics:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Projects to comply with life safety code requirements.

Sections 1110.230(e), (g); Section 1110.420(a), (b) and Part 1120 as applicable.

Parking Facilities;

Section 1110.230(g) (4) and (e) and Section 1110.420(b) Subpart-E

Restaurants, cafeterias, snack bars and all other non-patient dining areas;

Section 1110.230(g) (4) and (e) and Section 1110.420(b) and Part 1120 Subpart-E

Chapels;

Part 1120 Section 1110.230(f), (e) and (4)

Telephone systems;

Part 1120 Section 1110.230(e), (4) and (f) and Subpart-E

Administration and volunteer offices;

Sections 1110.230(e), (4), and (g) (4) and Part 1120 Subpart-E

Giftshops and newsstands;

Part 1120 Section 1110.230(f), (e) and (4)

Auditoriums, student housing and classrooms;

Part 1120 Section 1110.230(f), (e) and (4) and Subpart-E

Modernization of structural components (roof replacement, masonry work, etc.);

Section 1110.230(g) (4), (4), (e) and Subpart E and Part 1120

Boiler repair or replacement (does not include Boiler plant);

Section 1110.230(e), (4), (4), and (g) and Section 1110.420(b) and Part 1120 Subpart-E

Conversion of inpatient beds from an area of excess beds to meet an expressed bed need

Section 1110.230(e), (4), (4), (k) and 1110.230(e) and (4)

provided that such conversion does not result in either the establishment of a new category of service;

Replacement of equipment with comparable equipment to be utilized for a similar purpose;

Section 1110.230(e), Section 1110.420(b) (4), and (4) Subpart-E and Category of service specific criteria for modernization, and Part 1120.

Loading docks;

Part 1120 Section 1110.230(e), (4) and (f) and Subpart-E

Capitalized projects which are considered basically maintenance such as carpeting, tile replacement or furniture purchase;

Section 1110.230(g), (4), (4), and (4), and Section 1110.420(b) and Part 1120 Subpart-E

Emergency transportation equipment;

Part 1120 Section 1110.230(f), (e) and (e) and Subpart-E

Air conditioning;

Part 1120 Section 1110.230(e), (4), (4), and (g) and Subpart-E

Bridges, tunnels, walkways, elevators or any structure designed to provide access between or through existing buildings.

Part 1120 Section 1110.230(e), (4), and (4) and (g) and Subpart-E

B) Projects will be evaluated only against the review criteria identified as being applicable to the specific non-substantive area

C) Projects which include both substantive and non-substantive components shall be classified substantive for purposes of review

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

D) The appeal of any classification is to the State Board at the next scheduled State Board meeting.

14) Projects for the acquisition, expansion or replacement of computer systems.

Such projects shall address and be reviewed under Section 1110.230(e), (f), and (i) and Subpart E.

15) Projects whose sole purpose is for the provision of care and treatment of patients suffering from Acquired Immune Deficiency Syndrome (AIDS) or related disorders such as AIDS-Related Complex (ARC),--Such projects shall address and be reviewed under the Review Criteria contained in Sections 1110.230, 1110.320, and 1110.420.

c) Substantive Review Classification

All other projects subject to review shall be classified substantive unless they are found to be non-substantive or emergency projects as delineated above;

d) Classification of projects with both non-substantive and substantive components

Projects which include both substantive and non-substantive components shall be classified substantive.

e) Classification Appeal

Appeal of any classification may be made to the State Board at the next scheduled State Board meeting.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.55 Recognition of Non-hospital Based Ambulatory Surgery Category of Service

a 1) Due to proposed revisions in 77 Ill. Adm. Code Section 205.110 of the Agency's licensure standards for ambulatory surgical treatment centers (effective November 1, 1989), the State Board shall recognize the existence of the non-hospital based ambulatory surgery category of service for unlicensed facilities which become subject to such licensure requirements if the following documentation is submitted to the State Board:

1) Verification that outpatient surgery had been

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

performed at the facility prior to January 1, 1989; and

2 ii) Verification that due to revisions in 77 Ill. Adm. Code Section 205.110 effective November 1, 1989, the facility must obtain a license as an ambulatory surgical treatment center; or and

3 iii) Verification that the facility was certified for reimbursement under Title XVIII of the Social Security Act (42 U.S.C.A. 1395x) for ambulatory surgery on or before January 1, 1989.

24) Documentation must be in the form of copies of medical records indicating the date of performance of surgical procedures at the facility, letter(s) from the Agency's licensure program stating that a license must be obtained, and a copy of the approval letter for participation in Title XVIII.

b) Recognition by the State Board of the non-hospital based ambulatory surgery category of service exempts the facility from the requirement of obtaining a permit for establishment of a health care facility and establishment of the service. Such exemption shall be valid and remain in effect provided that the following requirements are met:

1) the procedures and scope of services provided at the facility remain restricted to the medical specialty(ies) (e.g. podiatry, ophthalmology, plastic surgery) in operation on or before January 1, 1989; and

2) the facility has obtained a license from the Agency no later than January 1, 1991; and

3) the facility has petitioned the State Board for recognition of the service no later than 90 days after the effective date of the revisions to Part 205.110.

c) Upon issuance of a license by the Agency, the ambulatory surgical treatment center shall be subject to the provisions of the Act regarding subsequent transactions which require permit. Failure to comply with any of the requirements of Section 1110.552(b) or subsequent discontinuation of the facility will void the recognition and exemption, and a permit will be required to establish the category of service.

d) The provisions of this section were effective November 1, 1989) shall take effect upon the effective date of revisions to Section-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

205-110.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.230 General Review Criteria

a) "Location"--Review Criteria

1) The applicant must document that the primary purpose of the proposed project will be to provide care to the residents of the planning area in which the proposed project will be physically located. Documentation shall consist of market studies of the area indicating the characteristics of the population to be served.

2) The applicant must document that the location selected for a proposed project will not create a maldistribution of beds and services within the planning area. Maldistribution is typified by such factors as excessive travel time, to reach services, unusual patient migration patterns and excessive physical distance to alternative providers. Documentation shall consist of location and travel times to other providers, population concentrations within the planning area and proposed market for service.

Any proposed project (excluding those projects for the replacement of equipment) must demonstrate that its primary purpose and intent is to serve the population of the planning area (as defined in 77 Ill. Adm. Code 1100.220 "Planning Area") in which it will be physically located (unless entitlement to a variance is obtained) and that its location will not result in a maldistribution of facilities or services. In assessing whether or not a maldistribution of facilities exists, the State Board will evaluate such factors as (but not necessarily limited to) accessibility, patient flow patterns, travel time and distance to existing facilities or services.

b) "Ancillary and Supporting Services"--Review Criteria

The applicant must document that the scope and size of all ancillary and support services related to the proposed project comply with the Agency's licensure requirements. Documentation shall consist of a summary of all ancillary and support services and a comparison of existing size or proposed size to licensure requirements document that all related ancillary or supporting services are adequate to support the proposed project and to meet the Agency's licensing requirements.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

c) "Staffing"--Review Criteria

The applicant proposed project must document:

1) An adequate supply of health manpower exists within the planning area. Documentation shall consist of evidence that less than 20% of area facilities have been cited for staffing deficiencies by the Department of Public Health in its licensure inspections over the last two year period; and

2) That the required staffing levels under applicable licensure and Title XVIII/Title XIX certification will be met. Documentation shall consist of itemized staffing requirements, signed commitments by health care personnel to staff the project.

1) That it will have adequate staffing in terms of number (full-time equivalents) and positions (professional, technical, and non-professional) to meet the applicable licensure requirements and/or other applicable regulations as developed by the Illinois Department of Public Health or any other State or Federal agencies; and

2) That the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include, but is not limited to, letters of verification from other health facilities and organizations in the area, including any surveys done by such facilities and organizations on manpower availability.

d) "Background of Applicant"--Review Criteria

When the applicant or proposed operator of the proposed project are operating or have operated health care facilities previously the applicant must document compliance with licensure requirements. Documentation must show an absence of serious repeat violations in each facility operated during the last five years. Each history of operation must contain: all citations for operational deficiencies, any suspension or termination action, any contested licensure action and the outcome of all such actions.

The proposed project's owners and/or operators must document that they will provide a proper standard of health care service for the community.

1) For proposed projects whose owners and/or operators are operating or have operated health facilities in Illinois,

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

documentation must be provided as to the degree of compliance the existing or previously operated facilities have had with state licensing and/or other applicable standards including quality of care considerations. Projects for facilities which have been deemed by license authority not to be substantially in compliance with licensing standards over the latest 2-year period for which data is available, shall not be in conformity with this Review Criterion. For proposed projects whose owners and/or operators have not operated facilities in Illinois, documentation must be provided regarding the qualification and background of the applicant to meet the Agency's requirements for licensure.

e) "Alternatives to the Proposed Project"--Review Criterion a

The applicant must document that the proposed project is the most effective or least costly alternative. Documentation shall consist of a comparison of the proposed project to alternative options. Such a comparison must address issues of cost, patient access and financial benefits in both the short and long-term. Alternatives must include, but are not limited to: purchase of equipment, leasing or utilization (by contract or agreement) of other facilities, development of freestanding settings for service and alternate settings within the facility.

No project shall be approved unless:

- 1) The availability of less costly or more effective alternative methods of providing the services have been explored and found to be non-feasible. Such alternatives include purchase, leasing or utilization (by contract or agreement) of other facilities currently existing in the planning or service area; and
- 2) In the case of facilities or services to be provided by the proposed project, the efficiency and appropriateness of the use of existing services, space and facilities similar to those proposed shall be evaluated including projects presently under construction or by projects which have a valid permit granted by the State Board; and
- 3) The services to be provided by the proposed project could not be provided by the utilization, expansion and/or development of alternatives which foster competition.

f) Need For the Project--Review Criterion

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

The project must be needed.

- 1) Where the State Board has determined need pursuant to Part 1100, the proposed project shall not exceed additional need determined unless the applicant meets the criterion for a variance.
- 2) Where the State Board has not determined need pursuant to Part 1100, the applicant must document that it will serve a population group in need of the services proposed and that insufficient service exists to meet the need. Documentation shall include but not be limited to:
 - a) area market studies, (which evaluate population trends and service use factors)
 - b) calculation of need based upon models of estimating need for the service (all assumptions of the model and mathematical calculations must be included),
 - c) historical high utilization of other area providers, and
 - d) identification of individuals likely to use the project.

g) Size of Project--Review Criterion

The applicant must document that the size of a proposed project is appropriate.

- 1) The proposed project cannot exceed the norms for project size found in Appendix B of this Part unless the additional square footage beyond the norm can be justified by one of the following:
 - A) the proposed project requires additional space due to the scope of services provided;
 - B) the proposed project involves an existing facility where the facility design places impediments on the architectural design of the proposed project;
 - C) the proposed project involves the conversion of existing bed space and the excess square footage results from that conversion; or
 - D) the proposed project includes the addition of beds and

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

the historical demand over the last five year period for private rooms has generated a need for conversion of multiple bed rooms to private usage.

- 2) When the State Board has established utilization targets for the beds or services proposed, the applicant must document that in the second year of operation the annual utilization of the beds or service will exceed the target utilization. Documentation shall consist of historical utilization trends, population growth, expansion of professional staff or programs (demonstrated by signed contracts with additional physicians) and the provision of new procedures which would increase utilization.

f) "Relationship of the Proposed Project to the State Health Plan"---Review Criteria

All projects shall be reviewed to determine the project's consistency with the stated goals and objectives of the State Health Plan (SHP) unless the proposed project has been classified under the emergency classification pursuant to Section 110.40.

g) "Energy Conservation"---Review Criteria

The applicant must indicate the extent to which the project will result in the conservation of energy.

h) "Professional and Physician Education Programs"---Review Criteria

The applicant must address the impact of the proposed project relative to the clinical training needs of health professional schools and relative to existing and proposed institutional education programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

i) "Scope and Size of Project"---Review Criteria

The applicant must document that the population served or to be served by a proposed project is in need of the services to be provided. Such documentation must establish the need for the services and also the need for the proposed project (scope, size) in relation to the stated needs of the population served.

j) "Biomedical and Behavioral Research Projects"---Review Criteria

The applicant must indicate the extent to which the project will

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

meet national needs in regard to biomedical and behavioral research and what test conditions exist that offer special advantages in meeting a national need through the proposed project.

k) "Medically Underserved Groups and Access"---Review Criteria

1) Each reviewing agency must address how the proposed project relates to meeting the needs of the population of the planning area including members of medically underserved groups such as low income persons, racial and ethnic minorities, women, handicapped persons, the elderly and other underserved groups.

2) The applicant must address the following:

A) The relationship of the proposed project with stated goals and objectives of the HSP, AHP and State Health Plan which specifically address the need for services by medically underserved groups.

B) The proposed project will be utilized to meet the needs of medically underserved groups where there exists a need for such services by the medically underserved population of the area.

C) The applicant must document the facility's performance in meeting its obligation under all applicable Federal regulations requiring the provision of uncompensated care, community service or access by minorities and handicapped persons to programs receiving Federal financial assistance (including the existence of any civil rights access complaints against the applicant).

D) The extent to which Medicaid and medically indigent patients are served by the applicant facility.

E) The extent to which the applicant offers a range of means by which a person will have access to its services (e.g. outpatient, admission by house staff, admission by personal physician).

F) The existence of barriers in the delivery system (transportation, language, financial, etc.) which impact on the medically underserved population. The applicant must document the manner and extent to

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

~~which the proposed project will reduce or eliminate these barriers.~~

1) "Non-Conformity"--Review Criteria

~~Facilities with structural deficiencies involving fire resistiveness and fire safety factors shall detail the proposed plan of correction for such deficiencies.~~

hm) "Medical Education"--Review Criteria

1) If the project proposed by an applicant is designed to meet the health education or related research needs of the facility, the applicant must document the following:

- A) ~~that the proposed project would assist the facility in meeting its research or educational needs for related residency programs. Documentation must indicate and include statements that accreditation would be lost without the proposed project and that current space is insufficient to meet projected teaching needs;~~
- B) ~~that the proposed project will not have an adverse impact on community facilities within the planning area and that such community facilities support the project. Documentation shall consist of letters from non-teaching community hospitals in the planning area indicating support for the project or indicating that the proposal will have no adverse impact on the utilization of their services;~~
- C) ~~how the proposed project compares in function and design to similar programs in other teaching hospitals in Illinois and nationally. Documentation shall consist of detailed comparisons of volume requirements and square footage needs in similar institutions both in Illinois and nationally; and~~
- D) ~~that the facility is unable to meet its teaching or related research needs through the use of existing resources. Documentation shall consist of statements concerning the inability to utilize vacant or underutilized areas of the applicant facility; and statements detailing any prohibitive reasons for not utilizing space in other facilities to provide the proposed project.~~

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2) This criterion shall not be the sole basis for approval of a project and cannot be used to justify the creation of a new health care facility.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.240 Mergers, Consolidations and Acquisitions

a) Introduction

The review criteria contained in this Section are designed to evaluate the impact on the health care system for applications for permit involving mergers, consolidations or acquisition/change of ownership. These criteria are in addition to other applicable criteria.

b) Impact Statement--Review Criterion

The applicant must submit an impact statement which details any proposed changes in the beds or services currently offered, who the anticipated operating entity will be, the reason for the transaction, any anticipated additions or reductions in employees, and a cost/benefit analysis of the transaction. The statement must reflect at least a two-year period following the date of the merger, acquisition or consolidation.

c) Access--Review Criterion

The applicant must document any changes which may result in the restriction of patient admissions and document that no reductions in access to care will result from the transaction. Documentation shall consist of a written certification that the admission policies of the facilities involved will not become more restrictive and the submission of both the current formal admission policies of all institutions involved and the anticipated policy following completion of the project.

d) Health Care System--Review Criterion

1) The applicant must document that:

- A) the applicant's care system will not restrict the use of other area care providers; or
- B) the project improves access to services previously unavailable in the community because of the structure of the applicant's care system.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Documentation must detail the current and proposed relationship with those health care or health related organizations which are to be owned (in whole or in part), affiliated, operated, or under management contract with the applicant and provide the following:

- A) all care system service providers and services offered including location, types of services, number of beds, and utilization levels for provided services over the last 12-month period; and
- B) the proposed relationship of the project to the care system. Data should include where referrals for categories of service not available at the proposed project will be made, how duplication of services will be resolved, time and travel factors involving referrals within the care system and any organization policies concerning the use of care system providers over other area providers.

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section 1110.320 Bed Related Review Criteria

- a) "Bed-Need"---Review-Criteria

A-proposed-project-which-involves-establishment-of-beds-and/or substantial-changes-to-the-bed-capacity-of-a-facility,-must-be consistent-with-the-bed-need-as-determined-by-the-Agency,-unless the-applicant-satisfactorily-documents-entitlement-to-a variance.

- ab) "Establishment of Additional Hospitals"---Review Criteria

A proposed general hospital to be located within a Metropolitan Statistical Area (M.S.A.*) must contain a minimum of 100 MS beds.

- 1) in-any-planning-area-[within-a-Standard-Metropolitan Statistical-Area-(S.M.S.A.)]-where-a-need-of-at-least-200 additional-beds-exists-no-project-to-establish-or-construct an-additional-general-hospital-of-less-than-200-beds-will be-approved.

AGENCY NOTE: *M.S.A.'s are defined and named in the

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

U.S. Bureau of the Budget publication, Standard Metropolitan Statistical Areas: 1984 1967-as-amended-in 1968-and-1970, available from the U.S. Government Printing Office, Washington, D.C. 20402.

- 2) The-applicant-must-document-that-the-ancillary-and-support services-to-be-provided-and-the-space-for-these-services must-be-appropriate-for-the-number-of-beds-to-be constructed.

- 3) In-no-case-will-a-proposal-to-construct-or-establish-an additional-general-hospital-of-less-than-100-beds-in-any planning-area-within-a-Standard-Metropolitan-Statistical Area-be-approved.

- be) "Allocation of Additional Beds"---Review Criteria

The applicant proposing to establish a category of service must document that access to the service will be improved.
Documentation shall consist of at least one of the following:

- 1) the proposed service is not available within the planning area;
- 2) existing facilities have restricted admission policies resulting in access limitations;
- 3) existing service providers are experiencing occupancy levels in excess of the category of service target levels;
- 4) the travel time to existing service providers is excessive (exceeds 45 minutes) for area residents to be served by the project.

Additional-beds-must-be-added-to-existing-conforming-facilities providing-these-services-unless-an-applicant-can-justify establishment-of-a-new-service-by-documenting-improvement-of distribution-or-accessibility-of-the-service.

- cd) "Addition of Beds to Existing Facilities"---Review Criteria

- 1) The applicant must document that the addition of beds is necessary. Documentation shall consist of evidence that:

- A) existing inpatient bed services over the latest 12 month period have been continually utilized at the target occupancy or higher; or

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

B) when occupancy levels over that period fall below the target occupancy the services affected cannot be converted to provide the needed bed space due to architectural or programmatic considerations.

1) No project for the purpose of adding beds to provide a new or additional category of service or to expand an existing category of service shall be approved unless the facility has first demonstrated that all of its existing bed services are needed by being appropriately utilized at the target occupancy rate or higher (based upon the latest 12-month period for which data is available) for each category of service and that for those categories of service which operate below the target occupancy rate, it is not architecturally or programmatically feasible to rearrange and use presently underutilized bed capacity for the proposed new category of service or expansion of an existing category of service.

2) The Agency will require the applicant to submit utilization data which can be utilized as a minimum to determine facility and service occupancy and length of stay.

2a) An applicant proposing to add beds while operating proposing an acute care service [for purposes of this subsection acute care services means: M-S, OB, Pediatrics, ICU, Acute Mental Illness, and Burn Services] must document justify the appropriateness of the 185 length of stay in existing service(s). Documentation shall consist of a comparison of patient length of stay with other providers within the planning area. If such length of stay is higher than similar services at other comparable facilities which are in the area, the Agency shall compare the average length of stay as reported by the applicant to the average length of stay of like services at other facilities of similar size and scope of services in the health planning area. Data for such comparisons shall be provided by the State Agency. An applicant whose existing service(s) has a length of stay longer than that of other area providers must document that the severity of illness treated at the applicant facility is greater.

e) "Appropriate Floor Area"---Review Criteria

1) Any applicant proposing to add beds or establish a new category of service must document that the proposed space and floor area involved in the project is appropriate to meet the inpatient bed workload requirements.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2) in its consideration of what constitutes appropriate floor area the State Board will review such factors as:

A) The gross square footage of the proposed project in comparison to state and national norms for like services;

* AGENCY NOTE:--State and national norms utilized for comparison may be found in Appendix B of this Part.

B) The operational configuration of units as detailed in the number of private rooms versus the number of multiple bed rooms to be provided;

C) The necessary support space needed to operate the bed area for the specific service; and

D) The architectural design of the existing facility of if places restraints on the proposed project;

E) The conversion of existing inpatient rooms of sufficient size to accommodate additional beds to meet the projected bed need;

F) If the applicant also operates or proposes to operate residential units, apartments and/or any other unlicensed units or beds that such areas are not architecturally or programmatically feasible for use in meeting projected bed need; and

G) Proposed patient rooms are designed to accommodate the maximum number of beds allowable under the square footage requirements.

3) "Utilization Levels"---Review Criteria

1) The applicant must justify the number of beds to be added. Such justification must reflect the facility's ability to meet the construction occupancy target(s) for expanded or proposed services within two years after projected project completion date.

2) Such justification can include:--historical utilization trends;--population growth;--expansion of professional staff or programs;--and new service provision or service contracts which would increase utilization.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Section 1110.420 "Modernization Review Criteria"

a) "Modernization of Beds"--Review Criteria

The applicant must document that the number of beds proposed in each category of service affected does not exceed the number of beds needed to support the facility's utilization in each service proposed at the appropriate modernization target as found in Part 1100. (Utilization shall be based upon the latest 12 month period for which data are available.)

- 1) Existing facilities proposing a modernization project must document that any existing deficiencies involving fire resistiveness and fire safety factors will be corrected before or as a part of the proposed project.
- 2) The Agency will require the applicant to submit utilization data which can be utilized as a minimum to determine facility and service occupancy and length of stay.
- 3) An applicant modernizing an acute inpatient service must justify the appropriateness of its length of stay. If such length of stay is higher than similar services at other comparable facilities which are in the area--The Agency shall determine if the average length of stay as reported by the applicant is consistent with the average length of stay of like services at other facilities in the planning area which are similar in size and scope of service offered.
- 4) No project for modernization of beds will be approved which would result in a total bed capacity (for the applicable category of service) being in excess of the number of beds needed to support the facility's utilization at the appropriate category of service modernization occupancy target (based upon the latest 12 month period for which data is available) unless the applicant can document entitlement to a variance.

b) "Modern Facilities"--Review Criteria

- 1) The Each applicant must document that the proposed project meets one of the following: is necessary in order for the facility or equipment to be maintained as modern.
- 2) The proposed project must be judged by the reviewing agencies and found by the State Board to meet one of the following subcriteria:

- A) The proposed project is needed to meet the health service requirements of the community.

1) The proposed project will result in the replacement of equipment or facilities which have deteriorated and need replacement. Documentation shall consist of, but is not limited to; historical utilization data, downtime or time spent out of service due to operational failures, upkeep and annual maintenance costs, and licensure or fire code deficiency citations involving the proposed project.

2) The proposed project is necessary to provide expansion for diagnostic treatment, ancillary training, or other support services to meet the requirements of existing services or services previously approved to be added or expanded. Documentation shall consist of but is not limited to: historical utilization data, evidence of changes in industry standards, changes in the scope of services offered, and licensure or fire code deficiency citations involving the proposed project.

3) The proposed project is necessary to provide or increase capability to serve medically underserved population groups--Medically underserved population means the population of an urban or rural area that has been designated by the Secretary of the Department of Health and Human Services as an area with a shortage of personal health services or a population group designated as having a shortage of such services.

4) The proposed project is for the sole purpose of providing or increasing capability to educate health manpower and such capability by alternative means does not exist.

B) The proposed project is necessary in order to meet code requirements of local state or federal governments which would, if not corrected, result in revocation of license and/or other action that would result in closure of

C) The proposed project is necessary to meet code requirements for licensure certification or accreditation which, if not undertaken, would result in a loss of accreditation or certification or

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) The proposed project is necessary in order to meet governmental standards which, if not corrected, would result in loss of reimbursement from third-party and/or governmental reimbursement agencies.
- 3) In all cases, the applicant has the burden of proof. For subsections (b)(2)(B)(C) and (D) above, proof shall include the following:
- A) Identification of the applicable code or accreditation requirement and the non-compliance; and
- B) Identification of the governmental reimbursement or accrediting unit having authority to enforce the requirement; and
- C) Proof that the governmental reimbursement or accrediting unit could take such action that loss of license, facility or service ensures loss of accreditation or loss of funding would occur if corrections were not made by the applicant. This must be documented in writing by the appropriate governmental reimbursement or accrediting body; and
- D) Proof that the sole purpose and entire scope of the proposed project is to correct the non-compliance as cited; and
- E) In the case of a physical addition to an existing facility to make such correction, that the addition is justified because:
- i) it is not architecturally, structurally or functionally feasible to correct the non-compliance by construction or modification within the existing building; or
- ii) it is more costly to correct the existing structure, taking into account immediate construction costs, long-term depreciation costs and interest costs and projected comparative maintenance and staffing costs as are relevant.
- e) "Appropriate Floor Area"---Review Criteria
- 1) Any applicant proposing to modernize must document and justify the floor area and space requirements involved in

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- the modernization projects. The State Board will approve a project of this type only if the proposed available floor area is appropriate in relation to the workload for the service modernized.
- 2) In its consideration of what constitutes appropriate floor area the State Board will review such factors as:
- A) The gross square footage of the proposed project in comparison to state and national norms for like services;*
- *AGENCY NOTE:--State and national norms utilized for comparison may be found in Appendix B of this Part.
- B) The operational configuration of units as detailed in the number of private rooms versus the number of multiple-bed rooms to be provided;
- C) The necessary support space needed to operate the area for a specific service; and
- D) The architectural design of the existing facility if it places restraints on the proposed project.
- (Source: Amended at 15 Ill. Reg. _____, effective _____)
- Section 1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review Criteria
- a) "Establishment of Additional Obstetric Beds"---Review Criteria
- Where this Subchapter indicates an additional bed need in a planning area, such additional beds must be added to facilities currently providing a maternity and gynecologic subservice.
- ab) "Unit Size"---Review Criteria
- It is the policy of the State Board that the following unit-size criteria be applied:
- 1) Obstetrics
- A) The minimum unit size for an within a Standard Metropolitan Statistical Area (S.M.S.A.) no new obstetric unit within a Metropolitan Statistical Area is shall be established under 20 beds in size.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- B) The minimum unit size for a new obstetric unit outside a Standard Metropolitan Statistical Area, is no new obstetric unit shall be established which will result in fewer than seven (7) beds.

beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy.

2) Intensive Care

- A) The proposed project for additional beds involves an existing facility that has documented all of the following:

- A) The recommended minimum intensive care unit size for a facility is five (5) percent of the existing medical-surgical bed capacity.

- i) That for each of the last two years for which data is available, the yearly occupancy rate (based upon bed capacity for the applicable category of service) equals or exceeds the recommended target occupancy for that category of service as displayed in 77-111-Adm code 11004-Subpart B.

- B) The minimum unit size for an intensive care unit that shall be approved is four beds while the maximum unit size is ten percent of the existing medical-surgical bed capacity.

3) Pediatrics

- Inside a Standard Metropolitan Statistical Area (SMA), the minimum size for a pediatric unit within a Metropolitan Statistical Area is will be sixteen beds. A proposed project for additional beds within a Standard Metropolitan Statistical Area must result in or exceed a unit size of sixteen beds.

- ii) That when feasible under licensing, staffing and architectural considerations, low occupancy categories of service have been converted to meet demands for additional beds in high occupancy services;

- iii) That its occupancy length of stay and staffing patterns have been reviewed and found to be appropriate with assurances being given of continued review of subsequent occupancy length of stay, utilization and staffing patterns;

c) "Variances to Computed Bed Need"--Review Criteria

The following variances are recognized by the State Board as the basis for granting approval to a project which is not in accord with computed bed need for the medical-surgical obstetrics, pediatrics and intensive care categories of service--in applying for a variance, an applicant must justify the proposed number of beds by documenting that the beds will operate at an average occupancy which equals or exceeds the recommended target occupancy rate for the applicable category of service. The applicant must also document entitlement to one or more of the following:

1) High Occupancy Variance

- A) The applicant must document that the applicant facility has experienced high occupancy.

Documentation shall consist of evidence that the historical annual occupancy rate has equaled or exceeded the target occupancy in each of the last two years for which data is available.

- iv) That such consistently high occupancy could not adequately be reduced through the use of other existing facilities in the planning area or by the completion of projects presently under construction, or by the completion of projects which have a valid permit but which are not yet obligated and

- v) That the number of beds proposed will not exceed the amount needed to reduce the facility's high occupancy to the recommended optimum occupancy.

- B) It is essential to the evaluation of this variance that source of patient data be provided by the applicant and/or agency for the immediate geographic area concerned and for such additional areas as are relevant.

- B) The applicant must also document that the number of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Medically Underserved Variance

A) The applicant must document that access to the proposed service is restricted in the planning area as documented by:

- i) the absence of the service within the planning area; or
- ii) limitations on governmentally funded or charity patients; or
- iii) restrictive admission policies of existing providers; or
- iv) the area population and existing care system exhibit indicators of medical care problems such as an average family income level below the state average poverty level, high infant mortality or designation as a Health Manpower Shortage Area; or
- v) the project will provide service for a portion of the population who must currently travel over 45 minutes to receive service.

B) Documentation shall consist of location and utilization of other planning area service providers; patient location information and all applicable time-travel studies, a certification of waiting times and scheduling or admission restrictions that exist in area providers and an assessment of area population characteristics which would indicate an access problem.

C) The applicant must also document that the number of beds proposed will not exceed the number needed at the target occupancy rate to meet the health care needs of the population identified as having restricted access.

2) Medically Underserved-Population

A) The proposed project will have as its principal function the provision or continuation of primary level inpatient-hospital care to a medically underserved population group and that alternative sources or arrangements for such care are either not available or not accessible to the group concerned. The number of beds and the nature and scope of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

services proposed must be justified in relation to the inpatient needs of the population group to be served.

B) Medically underserved population means the population of an urban or rural area that has been designated as an area with a shortage of personal health services or a population group designated by the Secretary of the Department of Health and Human Services as having a shortage of such services. Medically underserved area means an urban or rural area designated as an area with a shortage of personal health services. The basis for identifying medically underserved areas and populations by the Department of Health and Human Services is the Index of Medical Underservice (IMU). The IMU is obtained by applying weights to data on the following indicators:

- i) Ratio of primary care physicians to population;
- ii) Infant mortality rate;
- iii) Percentage of population which is age 65 or over;
- iv) Percentage of the population with family income below the poverty level;
- 6) The proposed project must document that the addition of beds will result in improving the health status of the medically underserved population by indicating how the addition of beds will impact upon such factors as the ratio of primary care physicians to population, infant mortality rate, and other health status indices.
- B) The applicant must document the following:
 - i) the proposed project is to be located in the medically underserved area and/or is serving the population of the area;
 - ii) the extent to which the facility is currently serving the population in terms of documenting the degree of usage of the facility by residents of the area;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- iii) that alternatives to the establishment of beds such as but not limited to outreach clinics, mobile diagnostic and treatment centers and ambulatory surgical treatment centers have been investigated and found to be not feasible;
- iv) that other facilities which serve the medically underserved population or area have indicated they have no proposed projects which would impact upon the proposed beds to be added by the applicant; and
- v) that there exists to support the project a sufficient medically underserved population in the area who would have to travel more than 30 minutes to receive the service.
- E) It is essential to the evaluation of this variance that the source of patient data be provided by the applicant and/or agency for the immediate geographic area concerned and for such additional areas as are relevant.
- F) In addition, a proposed project which is to be located in a planning area which has excess beds must document that such excess beds or unoccupied beds are not available to the residents of the medically underserved areas based upon such factors as accessibility, restrictive admission policies, or other factors which can be identified and quantified.

d) "Addition of Beds"--Review Criteria

All beds which are proposed to be added must be added to only general hospitals.

e) "Obstetric Regional Linkages"--Review Criteria

Any facility proposing the establishment or modernization of an obstetric unit must document that a system exists or will exist for the evaluation of patient needs and for the referral and/or transfer of patients to facilities which can provide specialized services if needed by the patients.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.630 Comprehensive Physical Rehabilitation Beds--Review Criteria

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

a)

1) "Establishment of Additional Comprehensive Physical Rehabilitation Beds"--Review Criterion

No proposed project for establishment of a new facility will be approved unless

A) no rehabilitation facility currently exists in the planning area and there exists a demonstrated and documented need for the number of beds proposed as detailed in the inventory or the applicant has documented entitlement to a variance (as outlined in Section 1110.620(e)), or

B) the travel time to the nearest facility exceeds 45 minutes in which case the number of additional beds needed shall be determined on the basis of the number of projected patients to be served utilizing the proposed unit at the target occupancy rate for the comprehensive physical rehabilitation category of service; or

C) the proposed project is for the conversion of excess beds from another category of service to the comprehensive physical rehabilitation category of service; provided that, the number of rehabilitation beds proposed does not exceed the number of additional beds demonstrated and documented as needed in that planning area.

2) No proposed project for the addition of beds to an existing facility will be approved unless:

A) there exists a demonstrated and documented need for additional beds calculated in accordance with 1110.630, Code 1100.560, or

B) a variance to computed bed need can be demonstrated and documented on the basis of accessibility.

ab) "Facility Size"--Review Criterion

No proposed project for the establishment of a comprehensive physical rehabilitation facility will be approved unless:

1) The minimum freestanding facility size for Proposed projects for establishment of a freestanding

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

comprehensive physical rehabilitation is facility must provide for a minimum facility capacity of 100 beds.

2) The minimum hospital unit size for proposed projects for establishment of a hospital-based comprehensive physical rehabilitation is facility must provide for a minimum facility capacity of 15 beds.

3) Proposed projects for establishment of new comprehensive physical rehabilitation facilities will not be approved unless all existing comprehensive physical rehabilitation facilities in the planning area are operating at a minimum annual aggregate occupancy of at least 86 percent.

be) "Access Variance to Computed Bed Need" -- Review Criterion

The following variance is recognized by the State Board as a basis for granting approval to a project which is not in accord with computed bed need for the comprehensive physical rehabilitation category of service:

1) Accessibility

1A) The applicant must document that access to the proposed service is restricted in the planning area as documented by entitlement to that variance is dependent on the proposed project's documentation that the proposed project will be providing comprehensive physical rehabilitation category of service and that such service is not readily accessible to the general population of the given planning area -- Factors affecting accessibility include, but are not limited to:

A) the absence of the service within the planning area; restrictive admission policies currently providing the service in the area; and/or

B) limitations on governmentally funded or charity patients; or location of existing services requires an excessive amount of travel time (more than 45 minutes under normal driving conditions) for area residents to receive service.

C) restrictive admission policies of existing providers; or

D) the project will provide service for a portion of the population who must currently travel over 45 minutes to receive service.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2B) The applicant must also document in addition to the above, the proposed project must provide documentation that the proposed number of beds proposed will not exceed the number needed to meet the health care needs of the population identified as having restricted access at the target occupancy rate is justified and that the proposed project will achieve, within the first year of operation, the target occupancy for the service.

d) Staffing Requirements -- Review Criterion

1) The applicant must document that personnel possessing proper credentials in the following categories are available to staff the service No proposed project for the establishment or expansion of a comprehensive physical rehabilitation facility will be approved unless the applicant has documented ability to conform to the following minimum staff requirements:

1 A) Medical Director - Medical direction of the facility shall be vested in a physician who is a doctor of medicine licensed to practice in all of its branches and who has had three year of post-graduate specialty training in the medical management of inpatients requiring rehabilitation services.

2 B) Rehabilitation Nursing - Supervisors, for all nurses participating as part of the rehabilitation team, must be available on staff and shall have documented education in rehabilitation nursing and at least one year of rehabilitation nursing experience.

3 C) Allied Health - The following allied health specialists must be available on staff:

A i) Physical Therapist - Graduate of a program in physical therapy approved by the American Physical Therapy Association.

B ii) Occupational Therapist - Registered by the American Occupational Therapy Association or graduate of an approved educational program, with the experience needed for registration. Educational programs are approved by the American Medical Association's council on Medical Education in collaboration with the American Occupational Therapy Association.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 6 iii) Social Worker
- 4 D) Other Specialties - The following personnel must be available on staff or on a consulting basis.
- A i) Speech Pathologist;
- B ii) Psychologist;
- 6 iii) Vocational Counselor or Specialist;
- B iv) Dietician;
- E v) Pharmacist;
- F vi) Audiologist;
- G vii) Prosthetist and Orthotist; and
- H viii) Dentist.
- 2) Documentation shall consist of:
- A) Letters of interest from potential employees; or
- B) applications filed with the applicant for a position; or
- C) signed contracts with required staff; or
- D) a narrative explanation of how other positions will be filled.
- 6) It should be noted that the State Board encourages the Agency and the Hospital Licensing Board to develop licensure standards for staffing for the comprehensive physical rehabilitation category of service. The staffing standards detailed in this Section shall be utilized by all reviewing agencies unless standards are adopted and promulgated by the Agency in accordance with the Illinois Administrative Procedure Act for comprehensive physical rehabilitation services in which case those standards shall be utilized.
- (Source: Amended at 15 Ill. Reg. _____, effective _____)
- Section 110.730 Acute Mental Illness--Review Criteria

a) "Unit Size"--Review Criteria

The minimum unit size for acute mental illness beds is 20 beds for facilities within a metropolitan statistical area. The minimum unit size for acute mental illness beds is 10 beds for facilities within nonmetropolitan statistical areas. The State Board encourages the establishment of distinct physically identifiable units for the treatment of acute mental illnesses in general hospitals. The State Board recognizes a unit of 20 beds as the minimum size for the establishment of a new acute mental illness treatment unit in a facility located in an S, M, S, A and a minimum unit size of 10 beds in a facility located in a P or non-S, M, S, A area. An exception will be granted in those areas with no existing units where the number of additional beds needed in the area is below the recommended unit size.

b) "Supportive Mental Health Services"--Review Criteria

The applicant must document that the proposed project is or will be a Any proposed project in addition to providing inpatient care, must assure the provision of necessary aftercare services. The project must be one component of an integrated community mental health system, as indicated by the existence of formal multi-institutional service agreements with non-hospital providers. Such that all other mental health services available in the planning area will be immediately accessible to patients as required upon discharge. The formal agreements must include:

- 1) A specific process for linking of patients to needed aftercare services;
 - 2) A specific process for the exchange of information concerning the patient;
 - 3) Designated staff members or points of contact between the facilities and/or professionals; and
 - 4) A process and structure for monitoring the success of the agreement and periodically revising the agreement.
- c) Establishment or Addition of Acute Mental Illness Beds--Review Criterion

THE STATE BOARD SHALL DENY ALL APPLICATIONS FOR PERMIT SUBMITTED BY PERSONS, OTHER THAN THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, TO ESTABLISH A NEW UNIT WITHIN AN EXISTING FACILITY OR A NEW FACILITY FOR THE TREATMENT OF ACUTE MENTAL ILLNESS WHEN THE NEW UNIT OR FACILITY TO BE DEVELOPED WILL

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

BE LOCATED IN A PLANNING AREA WHERE A SURPLUS OF BED CAPACITY FOR SUCH TREATMENT HAS BEEN ESTABLISHED BY THE STATE BOARD IN ACCORDANCE WITH THE HEALTH CARE FACILITIES PLAN DEVELOPED PURSUANT TO SECTION 12 OF THIS ACT.

de)

"High Occupancy Variance to Computed Bed Need"--Review Criteria

- 1) The applicant must document that the applicant facility has experienced exceptionally high occupancy. Documentation shall consist of evidence that the historical annual occupancy rate has equaled or exceeded the target occupancy in each of the last two years for which data is available.
- 2) The applicant must also document that the number of beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy.

1) The following variance is recognized by the State Board as a basis for granting approval to a project which is not in accord with computed bed need for the acute mental illness category of service:

2) Accessibility

- A) Entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing an acute mental illness category of service which is not readily accessible to the general population of the given planning area. Factors affecting accessibility include, but are not limited to:

- 1) Restrictive admission policies by facilities currently providing the service in the area; and/or
 - 2) Location of existing services requires an excessive amount of travel time (more than 45 minutes under normal driving conditions) for area residents to receive service; and/or
 - 3) Additional Child/Adolescent programs are shown to be needed utilizing the Agency bed need forecasts for this particular subcategory. (See Section 1100.560(e)).
- B) In addition to the above, that the proposed number of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

beds is justified and that the proposed project will achieve by the end of the second year of operation, the target occupancy for the service and that there is an available number of patients suffering from psychiatric disorders as referenced in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (1980), DMS-III, American Psychiatric Association, needing the facility's services to meet this occupancy level.

- G) Any proposed project proposing the establishment of new or additional beds must document that there exists a sufficient need of patients suffering from psychiatric disorders as defined above to support the proposed beds at the desired occupancy target. (See Section 1100.560(e)).

e) Type of Admissions--Review Criterion

The applicant must document that the acute mental illness service will annually achieve the target occupancy in the second year of operation. Documentation shall consist of statistical evidence that there is an available number of patients suffering from psychiatric disorders as referenced in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (1980), DMS-III, American Psychiatric Association, which would utilize the acute mental illness service.

f) Facilities Operated by the Department of Mental Health and Developmental Disabilities--Review Criteria

The applicant must document that the development of an acute care service component is needed. Documentation shall consist of evidence that the number of episodes requiring acute intervention in the chronic patient population justifies the acute service or that the number of direct acute admissions to the facility warrants the development of an acute service. Any project for the establishment of this category of service or the expansion of any existing Acute Mental Illness Unit in a facility operated by any Department of Mental Health and Developmental Disabilities must provide documentation (e.g., a narrative statement detailing the scope of system changes which have brought about the need for the proposed project, and historical utilization data of facilities involved) of at least one of the following:

- 1) That the resident population and type of resident/patient served has changed necessitating the establishment or expansion of Acute Mental Illness services in order to meet

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

the needs of the facility's residents.

- 2) That the project represents redistribution of existing Acute Mental illness beds from another facility due to closure of the facility on unit.
- 3) That admissions from the general public directly into the Acute Mental illness unit(s) of the facility have increased over the last 2-year period and the expansion of the unit is necessary in order to adequately serve the residents of the facility and the general public.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.830 Substance Abuse--Review Criteria

a) Detoxification Services--Review Criteria

The applicant must document in order to receive approval any project involving substance abuse must document that detoxification services are provided or will be provided under the direction of a certified alcoholism counselor. (Beds utilized for detoxification not located within a substance abuse unit are not counted against unit bed totals.) Documentation shall consist of a narrative as to how and where detoxification is performed within the unit.

b) Establishment or Addition of Substance Abuse Beds--Review Criteria

The applicant must document that the proposed project involves it is the policy of the State Board that only those projects proposing the conversion of excess beds from another category of service. Documentation shall consist of identification of all patient rooms affected and a revised floor plan for the facility currently existing to this service will be approved.

c) Supportive Services--Review Criteria

The applicant must document that any proposed project, in addition to providing inpatient care, must provide additional supportive services, e.g., emergency, outpatient and intermediate services and care, including diagnostic evaluations, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling will be provided. Documentation shall consist of a narrative detailing the scope and nature of support services provided and the manner in which services will be provided.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

d) "Target Optimum Occupancy"--Review Criteria

The applicant must document justify that the proposed percent number of beds will operate at an average occupancy rate of 90 percent % by documenting the projected case load.

Documentation must should include, but is not limited to, copies of written correspondence agreements with physicians, private or public social organizations and employer and employee organizations which demonstrate document that these sources are currently experiencing difficulties obtaining inpatient Substance Abuse Treatment Services. Such correspondence must indicate where referrals or patient placements are being made currently; why these arrangements cannot be continued and also whether additional patients, to whom care is currently unavailable, would be served by the project.

e) Community Programs--Review Criteria

The applicant must document Any applicant proposing to establish or modernize an a substance abuse inpatient service must document that the inpatient service will be a component part of a comprehensive outreach or community treatment program or system. Documentation shall consist of written This should be documented by formal agreements with providers located within 60 minutes travel time from the proposed project. Such a system written agreement must include should consist of the following:

- 1) A specific process for linking patients to needed ambulatory and aftercare services;
- 2) A specific process for the exchange of information concerning the patient;
- 3) Designated staff members or points of contact between the facilities and/or professionals; and
- 4) A process and structure for monitoring the success of the agreement and periodically revising the agreement.

f) Contact with the Department of Alcoholism and Substance Abuse Consultation--Review Criteria

The applicant must document contact consultation with the Department of Alcoholism and Substance Abuse. Such Documentation must include proof that a request has been submitted to solicitation of a letter from that Department to review the status of the project's relationship to the long-range

NOTICE OF PROPOSED AMENDMENTS

goals and objectives of that Department. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.

g) "Distinct Unit"--Review Criteria

If the proposed Substance Abuse Treatment program is to be established in a facility offering other inpatient services, the applicant must provide documentation that the proposed unit will be self-contained, physically distinct, have an identifiable staff and comply with all appropriate, existing licensure standards of the agency. Documentation shall consist of a narrative which identifies the relationship of the unit to the other facility services and how the unit will be operated in order to comply with licensure requirements.

h) "Distinct Units-Children/Adolescents"--Review Criteria

The applicant must document that any applicant proposing to establish a unit for the treatment of children or adolescents will occur in a unit must document that the unit will be separate and distinct from any existing units for the treatment of adults. Documentation shall include such things as line drawings detailing the configuration of the unit; and certification that the unit will be separate and distinct.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--
NEONATAL INTENSIVE CARE PERINATAL/HIGH-RISK

Section 1110.910 Introduction

Subpart J contains Review Criteria which pertain to the Neonatal Intensive Care Perinatal/High-Risk category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.920 Neonatal Intensive Care Neonatal/High-Risk--Definitions

"Intensive Neonatal Intensive Care" means a level of care providing constant and close medical coordination, multi-disciplinary consultation and supervision to those neonates with serious and life threatening developmental or acquired medical and surgical problems which require highly specialized

NOTICE OF PROPOSED AMENDMENTS

treatment and highly trained nursing personnel.

Neonatal Intensive Care Service means a category of service providing treatment of the infant for problems identified in the neonatal period which warrant intensive care. An intensive neonatal care service must include a related obstetric service for care of the high-risk mother (except when the facility is dedicated to the care of children).

Neonatal Intensive Care Unit means a distinct part of a facility which provides a program of intensive neonatal care and which is designed, equipped, and operated to deliver medical and surgical care to high-risk infants.

"Intermediate-Neonatal-Care" means a level of care provided to those neonates who require close nursing attention and observation, but not of the depth or intensity of that level of care provided in intensive care.

"Neonatologist" means a physician who is certified by the American Board of Pediatrics Sub-Board of Neonatal/Perinatal Medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Pediatricians whose primary concentration is in the specialty of diagnosis and treatment of disorders of newborn infants.

"Perinatal Center" means a referral facility intended to care for the high-risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. Such a center shall be a university or university-affiliated facility responsible for the administration and implementation of the Department of Public Health's regionalized perinatal health care program including continuing education for health professionals regionalized facility and its affiliates recognized by the Illinois Department of Public Health which provides all levels of perinatal care, in part or in whole, and which provides a program of outreach education, consultation services and back-up support for all hospitals delivering perinatal services in the region.

"Perinatal/High-Risk-Service" means a category of service pertaining to the treatment of medical or surgical problems occurring during pregnancy in the mother and/or fetus; treatment of reproductive disease of the mother during pregnancy (42 days) or treatment of the infant for problems identified in the neonatal period which warrant intensive care.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

*AGENCY-NOTES--Illinois-Advisory-Committee-on-the-Perinatal Care-Program

"Perinatal-High-Risk-Unit"-means-a-distinct-part-of-a-facility which-provides-a-program-of-perinatal-high-risk-service-(as defined-above)-and-which-is-designed,-equipped,-or-devised-and operated-to-deliver-optimal-medical-and-surgical-care-for-high risk-mothers,-fetuses,-and-infants.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.930 Neonatal Intensive Care Perinatal/High-Risk--Review Criteria

a) "Staffing"--Review Criteria

- 1) The applicant proposed project must document that the availability-and-numbers-of-staffing-to-include-the following personnel possessing the proper credentials in the following categories are available to staff the service:

- A) Full-time Neonatal Director - a neonatologist as defined in Section 1110.920.
- B) Full-time Subspecialty Obstetrical Director - an obstetrician certified by the American Board of Obstetrics and Gynecology in the subspecialty of Maternal and Fetal Medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Obstetricians and Gynecologists.
- C) Other neonatologists and obstetricians sufficient in number to serve the projected number of maternal and neonatal patients to be served by the facility and to ensure adequate back-up to the neonatal and obstetrical directors so that there will be continuity of patient care and consultation.
- D) Full-time Nurse-Director of the obstetric-newborn nursing service who is experienced in perinatal nursing, and preferably holds a master's degree.
- E) Other nurses adequate in number to serve the projected number of maternal and neonatal patients to be served by the facility.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- F) Board-Certified Anesthesiologist with training in maternal, fetal and neonatal anesthesia (24-hour availability).
 - G) One or more licensed social workers.
 - H) Respiratory therapists with experience in neonatal care and adequate in number to ensure availability of a minimum of one respiratory therapist for every four patients on mechanical ventilators.
 - I) Registered dietician with experience in perinatal nutrition.
 - A) Neonatologist--as-defined-in-Section-1110.920.
 - B) Obstetrician--a-physician-certified-by-the-American Board-of-Obstetrics-and-Gynecology-and-who specializes-in-high-risk-maternal-care.
 - C) Pediatrician--a-physician-certified-by-the-American Board-of-Pediatrics.
 - D) Nurses---including-a-person-with-an-advanced-degree-in obstetric-or-newborn-nursing-qualified-to-be-a designated-Critical-Nurse-Specialist--that-person is-the-unit's-nursing-service-supervisor.
 - E) Administrative-Director---a-physician-with-extensive training-and-experience-in-perinatal-medicine-and-in administration-of-health-services.
- 2) Documentation shall consist of:
- A) Letters of interest from potential employees;
 - B) Applications filed with the applicant for a position;
 - C) Signed contracts with required staff; or
 - D) A narrative explanation of how other positions will be filled.
- 2) In-addition-a-project-should-document-availability-of-a full-complement-of-specialists-in-surgery-respiratory therapy-infectious-disease-hematology-and-other subspecialties-including-anesthesiology-dietetics-special services-administration-and-respiratory-therapy-pediatric-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

and obstetric residents should also be available, and fellows in neonatology should be provided.

- 3) It should be noted that the State Board encourages the Agency and the Hospital Licensing Board to develop licensure standards for staffing of perinatal centers. The staffing standards detailed in this Section shall be utilized by all reviewing agencies by the Agency in accordance with the "Illinois Administrative Procedure Act" (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq., as amended) for neonatal/high risk services in which case these standards shall be utilized.

b) Letter of Agreement--Review Criterion

The applicant must document that a letter of agreement with the regional perinatal center for neonatal intensive care services has been signed. Such letter of agreement must fulfill the conditions for such letters found in the Regionalized Perinatal Health Care Code 77 Ill. Adm. Code Part 640 and be approved by the Department of Public Health. A copy of the letter shall serve as documentation.

c) Need for Additional Beds--Review Criterion

- 1) The applicant must document that the proposed neonatal intensive care beds are needed. Bed need may be documented by any of the following:

- A) no neonatal intensive care services exist within the planning area; or
- B) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the affiliated perinatal center has exceeded the target occupancy rate; or
- C) existing providers of the service within the planning area cannot provide care to a patient caseload due to a limitation on funding for care provided; or
- D) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the applicant facility has exceeded the target occupancy rate.

d) Obstetric Service--Review Criterion

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

The applicant must document the availability within the facility of an obstetric service capable of providing care to high-risk mothers. Documentation must include a detailed assessment of obstetric service capability. This requirement does not apply to a facility dedicated to the care of children.

b) "Levels-of-Care"--Review Criteria

Proposed projects to establish or to add beds for high-risk neonates must document that both intensive and intermediate levels of care will be provided as part of the proposed project or through affiliation agreements.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section 1110.1030 Burn Treatment--Review Criteria

a) "Staffing"--Review Criteria

- 1) The applicant A-proposed-project must document that personnel possessing proper credentials in the following categories are available to staff the service the availability of the following:

- A) Director - a physician (general surgeon) with at least one year of experience in a recognized Burn Center Unit.
- B) Clinical Nurse Specialist - as defined in Section 1110.1020.
- C) Burn Specialist - as defined in Section 1110.1020.
- D) Burn Care Technician - as defined in Section 1110.1020.
- 2 E) In addition, a proposed project must document availability of the following Support staff consisting of: an anesthetist, dietician, inhalation therapist, microbiologist, occupational therapist, pharmacist and physical therapist.
- 3 E) A facility should also have available the services of the following Specialists including: physiatrist, psychiatrist, plastic surgeon, orthopedic surgeon, internist, ophthalmologist, social worker, special education teacher, pathologist, chaplain, and

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

pediatrician.

- 2) Documentation shall consist of:
- A) letters of interest from potential employees;
- B) applications filed with the applicant for a position;
- C) signed contracts with required staff; or
- D) a narrative explanation of how other positions will be filled.

- 4) It should be noted that the State Board encourages the Agency and the Hospital Licensing Board to develop licensure standards for staffing of burn centers.
- 5) The staffing standards detailed in this Section shall be utilized by all reviewing agencies unless standards are adopted and promulgated by the Agency in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, pars. 1001 et seq.) for burn services in which case those standards shall be utilized.

- b) "Unit Facility Size"---Review Criteria

The minimum size for a burn unit is No project will be approved by the State Board for less than six beds.

- e) "Multi-Institutional-Systems"---Review Criteria

The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of the burn center unit. Documentation shall include such things as letters from other providers indicating they will refer patients to the applicant, and statements from other area providers indicating that they will not duplicate the proposed service as shown in their capital budgets.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--OPEN HEART SURGERY

Section 1110.1210 Introduction

- 1) Subpart M contains Review Criteria which pertain to the Open Heart Surgery category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Open heart surgical procedures performed on an emergency basis due to a complication occurring during a cardiac catheterization procedure shall not constitute establishment of the open heart surgery category of service when reported to the Agency within 30 days of occurrence.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.1220 Open Heart Surgery--Definitions

- a) "Cardiac Surgeon" means a physician one who is eligible or Board certified by the American Board of Thoracic Surgery.
- b) "Cardiac Surgery Room" means a physically identifiable room(s) adequately staffed and equipped for the performance of open and closed heart surgery, and extracorporeal bypass.
- e) "Cardiac Surgery-Intensive-Care-Unit" means a unit where cardiac vascular surgical patients are held for post-operative care. Such a unit may be a part of an existing intensive-care-unit.
- d) "Cardiac-Surgical-Center" means a medical facility which specializes in most aspects of cardiac service including, at a minimum, cardiovascular surgical services and cardiac catheterization services.
- ce) "Cardiological Team" means the designated specialists and support personnel who consistently work together in the performance of open heart surgery.
- df) "Cardiovascular Surgical Procedures" means any surgical procedure dealing with the heart, coronary arteries and surgery of the great vessels.
- eg) "Cardiovascular Surgical Services" means the programs, equipment and staff dealing with the surgery of the heart, coronary arteries and great vessels.
- fh) "Closed Heart Surgery" means any cardiovascular surgical procedures which do not include the use of a heart/lung pump.
- gt) "Extracorporeal Circulation (Bypass)" means the circulation of blood outside the body, as through a heart/lung apparatus for carbon-oxygen exchange.
- hj) "Open Heart Surgery" means a category of service which utilizes any form of cardiac surgery which requires the use of extracorporeal (outside the body) circulation and oxygenation. This technique is used when the heart must be slowed down to perform the necessary surgery to correct whatever problem-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

exists. During the grafting of corrective procedure, a heart/lung pump performs the work of the heart and lungs. The use of a pump during the procedure distinguishes "open heart" from "closed heart" surgery.

- ik) "Pump Procedures" means the utilization of a heart/lung pump in surgery to perform the work of the heart and lungs. Included in these procedures are Myocardial Revascularization, Aortic and Mitral Valve Replacement, Ventricular Aneurysm Repairs, Pulmonary Valvuloplasty, and all other procedures utilizing a cardiac pump.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.1230 Open Heart Surgery--Review Criteria

- a) "Peer Review" - Review Criteria

The Any applicant must document proposing the establishment of modernization of an open heart surgery category of service shall detail in its application for permit the mechanism for peer review of an open heart surgery the program.

- b) "Establishment of Open Heart Cardiovascular Surgery" - Review Criteria

The applicant must document that a minimum of 200 open heart surgical procedures will be performed during the second year of operation or that 750 cardiac catheterizations were performed in the latest 12 month period for which data is available. Anticipated open heart surgical volume must be documented by historical referral volume of at least 200 patients directly referred following catheterization at the applicant facility to other institutions for open heart surgery for each of the last two years.

- 1) There shall be no additional open heart surgery categories of services initiated unless:

- A) existing facilities providing services within the health plan operating at a minimum of 350 open heart cases per year in adult services, pediatric cases in pediatric services, or
- B) if area programs have, over the last two full calendar years, failed to meet these targets and the applicant can document the number of patients over two years who were transferred to another facility for open

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

heart surgery in excess of the minimum utilization standards prescribed for this service.

- 2) In health planning areas where no programs currently exist, no proposed project shall be approved unless it will serve a population base of 500,000 persons or more who are treated more than 90 minutes travel time from the nearest facility providing open heart surgery.

- c) "Unnecessary Duplication of Services" - Review Criteria

The applicant must document that no additional open heart surgery categories of service shall be approved which will reduce the volume of any existing service within 90 minutes travel time from the applicant will not be reduced below 350 procedures annually for adults and 75 procedures annually for pediatrics. Documentation shall consist of proof of contact of all facilities within 90 minutes travel time currently providing open heart surgery to determine the projected impact the project will have on existing open heart surgery volume.

- 2) Any applicant proposing the establishment of an open heart surgery unit must contact all facilities within 90 minutes travel time currently providing open heart surgery to determine the projected impact the project will have on existing open heart surgery volume.

- d) "Modernization of Existing Open Heart Surgery Units" - Review Criteria

1) No proposed project for the modernization of an existing open heart surgery category of service will be approved if the applicant facility fails to meet the minimum utilization standards for a facility providing the service as expressed in 77 Ill. Adm. Code 1100.610.

- 2) An exception will be made to the above if the proposed project is the sole facility serving a population of 500,000 or more who are more than 90 minutes travel time from the nearest facility providing or approved to provide open heart surgery services.

- e) "Support Services" - Review Criteria

1) The Any applicant proposing the establishment of an open heart surgery category of service must document that the following support services and facilities are should be immediately available on a 24-hour basis and how such services

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

will be mobilized in the case of emergencies.

- 1A) Surgical and cardiologist team appropriate for age group served.
- 2B) Cardiac surgical intensive care unit.
- 3C) Emergency room with full-time director, staffed 24 hours for cardiac emergencies with acute coronary suspect surveillance area and voice communication linkage to the ambulance service and the coronary care unit.
- 4D) Catheterization-angiographics laboratory services.
- 5E) Nuclear medicine laboratory.
- 6F) Radiographics laboratory, electrocardiography including exercise stress testing, continuous electrocardiograph (ECG) monitoring and phonocardiography.
- 7G) Echocardiography service. This may or may not be a part of the radiographics laboratory.
- 8H) Hematology laboratory.
- 9I) Microbiology laboratory.
- 10J) Blood gas and electrolyte laboratory with microtechniques for pediatric patients.
- 11K) Electrocardiographic laboratory.
- 12L) Blood bank and coagulation laboratory.
- 13M) Pulmonary function unit.
- 14N) Installation of pacemakers.
- 15O) Organized cardiopulmonary resuscitation team or capability.
- 16P) Preventive maintenance program for all biomedical devices, electrical installations, and environmental controls.
- 17Q) Renal Dialysis.
- 2) It is not essential that all of these services, units and laboratories be available on an inpatient basis in the applicant facility. What must be documented is how such

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

services can be immediately mobilized for emergencies at all times.

- f) Cardiac Surgery Rooms --- Review Criteria
 - 1) The number of cardiac surgery rooms needed is in direct proportion to the number of surgery cases per week.
 - A) In facilities with established cardiac surgery team(s) with designated cardiac surgery rooms the optimal surgical volume is five scheduled cases and the capability to handle two unscheduled cardiac surgery cases per week per room. Any project for the expansion or modernization of the surgery area will be reviewed against the experienced volume over the last 12 month period to determine if the case load is sufficient to warrant approval.
 - B) In facilities proposing to establish a cardiac surgery room the applicant must document the projected case load for the service. The need for rooms will be determined based on projected case load.
 - 2) It is also recommended that all cardiac surgery rooms be adjacent to promote efficiency and safety in the distribution and use of equipment, supplies, and personnel deployment.
- fg) "Staffing" - Review Criteria
 - 1) The applicant must document that it is a policy of the State Board that if cardiac surgery services are offered, a cardiac surgical team will must be established. Such a team must be composed of at least the following:
 - 1) A) Two cardiac surgeons (at a minimum, one of which must be certified and the other qualified & certified by the American Board of Thoracic Surgery and qualified by the American Board of Thoracic Surgery) with special competence in cardiology, including cardiopulmonary anatomy, physiology, pathology, and pharmacology; extracorporeal perfusion technique; and interpretation of catheterization angiographic data.
 - 2) B) Operating room nurse personnel (Registered Nurse (RN), Licensed Practical Nurse (LPN), Surgical Technician).

NOTICE OF PROPOSED AMENDMENTS

The nurse to patient ratio for the ICU module of open heart surgery patient care should be no less than one nurse per one patient in the immediate recovery phase and one nurse per two 2 patients thereafter.

- 3 C) Anesthesiologists (Board certified by the American Board of Anesthesiology).
- 4 D) Adult Cardiologists (Board certified by the American Board of Internal Medicine with subspecialty certification in cardiology).
- 5 E) Physician who is Board certified in anatomic and clinical pathology, with special expertise in microbiology, bloodbanking, lab aspects of blood coagulation, blood gases, and electrolytes.
- 6 F) Pump technician, or operator of the extracorporeal pump oxygenator, who should have in-depth experience on the active cardiac surgical service that includes perfusion physiology, mechanics of pump operation, sterile technique, and use of monitoring equipment, whether he/she be a physician, nurse or technician.
- 7 G) Radiologic Technologist experienced in angiographic principles and catheterization procedure techniques who is experienced in the usage, operation and care of all catheterization equipment.

2) Documentation shall consist of:

- A) letters of interest from potential employees;
- B) applications filed with the applicant for a position;
- C) signed contracts with required staff; or
- D) a narrative explanation of how other positions will be filled.

h) "Data-System"---Review-Criteria

The State Board recognizes the need to gather and share information regarding heart-disease-treatment-and-treatment-therefore-no-application-for-permit-will-be-approved-unless documentation-is-provided-indicating-that

- 1) for-existing-facilities-providing-open-heart-surgery,-a-

NOTICE OF PROPOSED AMENDMENTS

heart-disease-data-system-is-functioning;-or

- 2) for-facilities-proposing-the-establishment-of-an-open-heart-surgery-program;-a-heart-disease-data-system-will-be-established.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART 0: CATEGORY OF SERVICE REVIEW CRITERIA--END-STAGE CHRONIC RENAL DIALYSIS DISEASE

Section 1110.1410 Introduction

Subpart 0 contains Review Criteria which pertain to the End-Stage Chronic Renal Dialysis Disease category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.1420 End-Stage Chronic Renal Dialysis Disease--Definitions

- a) "Acute Dialysis" is dialysis given on an intensive care, inpatient basis to patients suffering from (presumably reversible) acute renal failure, or to patients with chronic renal failure with serious complications.

- b) "Chronic Renal or-Maintenance Dialysis" is a category of service in which dialysis is performed either on a regular long-term basis in patients with chronic irreversible renal failure, or in the maintenance and preparation of patients for kidney transplantation (including the immediate post-operative period and in case of organ rejection) or other acute conditions within a hospital does not constitute a chronic renal dialysis category of service.

- c) "Dialysis" is a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis which are recognized in classical practice are hemodialysis and peritoneal dialysis.

- d) "End-Stage-Renal-Disease-Facility" means a facility which furnishes at least one specific end-stage-renal-disease-service. Such facilities are:

- 1) Renal-Transplantation-Center--a-hospital-unit-which furnishes-directly-transplantation-and-other-medical-and-surgical-specialty-services-required-for-the-care-of-the-End-Stage-Renal-Disease-transplant-patient,-including inpatient-dialysis-furnished-directly-or-under-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

arrangements. A Renal Transplantation Center may be a Renal Dialysis Center. Centers provide a full range of services to patients with End Stage Renal Disease, and are part of or affiliated with a full service hospital.

- 2) Renal Dialysis Center - a hospital unit which furnishes the full spectrum of diagnostic, therapeutic (including inpatient dialysis) furnished directly or under arrangements, and rehabilitative services, except renal transplantation required for the care of End Stage Renal Disease dialysis patients.

- d) Renal Dialysis Facility means a hospital unit or freestanding facility which furnishes routine chronic dialysis service(s) to chronic end-stage renal disease patients. Such types of services are: self-dialysis, training in self dialysis, dialysis performed by trained professional staff and chronic maintenance dialysis. It functions as an intermediate source between home and hospital dialysis and sometimes is called a self-care unit, satellite unit, or a limited care facility. A unit or center of this type is free-standing in that it is not be owned or operated by a hospital, the unit or center is not located within the operating hospital. A unit or center may also be privately owned and operated.

- e) "End Stage Renal Disease Treatment" means categories of services relating to the care of services furnished to an End Stage Renal Disease patient such as an transplantation service and dialysis service (chronic maintenance dialysis, inpatient dialysis, self-care dialysis training). End Stage Renal Disease is that stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life. The categories of service established for purposes of this Subpart are:

- 1) Renal Transplantation and

- 2) Renal Dialysis.

- f) "Hemodialysis" is a type of dialysis that involves the use of an artificial kidney through which blood is circulated on one side of a semipermeable membrane while the other side is bathed by a salt dialysis solution. The accumulated toxic products diffuse out of the blood into the dialysate bath solution. The concentration and total amount of water and salt in the body fluid is adjusted by appropriate alternations in composition of the dialysate fluid.

- g) "Peritoneal Dialysis" is a type of dialysis in which the dialysate fluid is injected slowly into the peritoneum, causing dialysis of water and waste products to occur through the peritoneal sac which acts as a semipermeable membrane. The fluid and waste, after accumulating for a period of time (1 hour), is drained from the abdomen and the process is repeated. This procedure is much slower than hemodialysis, requiring the patient to be immobilized for a long period of time.

- h) "Self-Care Dialysis Training" is a program which trains Chronic End-Stage Renal Disease patients or their helpers, or both, to perform self-care dialysis.

- i) "Self-Dialysis or Self-Care Dialysis" is maintenance dialysis performed by a trained patient at home or in a special facility with or without the assistance of a family member or other helper. (Professional supervision and performance of the dialysis is limited.)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.1430 End-Stage Chronic Renal Dialysis Disease - Review Criteria

- a) "Data System" - Review Criteria

The applicant must document that chronic renal dialysis data system exists or will be established. The State Board recognizes the need to gather and share information regarding the incidence of kidney disease, patients requiring dialysis services and on both patients in need and possible donors of kidneys for transplantation. Therefore, no application for permit will be approved unless documentation is provided that:

- 1) for existing end-stage renal disease facilities, an end stage renal disease data system is functioning or
- 2) for facilities proposing to establish an end-stage renal disease category of service that such a data system will be established.

- b) "Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities" - Review Criteria

The State Board recognizes the need to establish dialysis centers or dialysis facilities in locations necessary to meet the needs of the population. To promote the efficient use of facilities and manpower and to insure patient safety, the minimum

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

facility size is established as:

- 1) three dialysis stations within the facility in areas not included in an SMSA or in an SMSA area of less than 500,000 people;
- 2) six dialysis stations in SMSA's areas of over 500,000 population.

c) Access Variance to Need--Review Criteria

- 1) The applicant must document that access to the proposal service is restricted in the planning area as documented by:

- A) all existing renal dialysis facilities operating at full utilization as reflected in three patient shifts per day; or
- B) renal dialysis facilities are not available to 90 percent of the population of the planning area within 45 minutes travel time and the proposed project will meet that need.

- 2) Documentation shall consist of location and historical utilization of other planning area service providers; patient location information, all applicable time-travel studies and a certification of waiting times or scheduling problems in existing facilities.

- 3) The applicant must also document that the number of patients who are experiencing an access problem will justify the proposed project at the minimum utilization level detailed in 77 Ill. Adm. Code 1100.

e) "Regulatory Programs"---Review Criteria

Any applicant proposing to establish an end-stage renal disease program must detail in its application how requirements of the state or federal government will be met. No project will be approved if it fails to meet the State guidelines as developed pursuant to "An Act in Relation to Public Health" (Ill. Rev. Stat. 1983, Ch. 111, 1/2, pars. 22-24, et seq.) and federal regulations (developed pursuant to Pub. L. 92-602, Social Security Amendments of 1972-42 U.S.C. et seq.).

d) "Establishment of Facilities"---Review Criteria

- 1) Renal Transplantation Centers---It is the policy of the

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

State Board that no new renal transplantation center be established in a planning area unless each existing renal transplantation center is serving a population base of more than 2 million with the performance of 25 or more transplants per year and that an unserved population of at least 2 million people exists within 3 hours travel time.

- 2) Renal Dialysis Center or Facility---It is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:

- A) All existing renal dialysis centers or facilities within the planning area are operating at the minimum utilization standards for such facilities as detailed in 77 Ill. Adm. Code 1100-620, or

- B) Renal dialysis centers or facilities are not available to 90 percent of the population of the planning area within 45 minutes travel time and that the proposed project will meet that need; or

- C) The target population within the planning area is currently underserved by existing renal dialysis centers or facilities. The need for treatment stations can be estimated utilizing the formula reflected in 77 Ill. Adm. Code 1100-620 for the determination of station need.

e) "Target Population"---Review Criteria

Any applicant proposing to establish an end-stage renal disease facility must document the target population which will be served by the proposed project.

f) "Staffing"---Review Criteria

It is the policy of the State Board that an applicant proposing to establish, modify, or modernize and end-stage renal dialysis facility must demonstrate that the proposed service(s) will be staffed in accordance with federal standards as well as any requirements for personnel established for renal disease programs by the Agency.

g) "Location" - Review Criteria

The Any applicant proposing to establish a new renal dialysis facility or center or a renal transplantation center must document that the location of the proposed project is accessible. Documentation shall consist of a narrative relating the proposed

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

location to public transportation, other providers and to the population to be served to the target population as detailed by the applicant.

f4) "Support Services" - Review Criteria

The Any applicant must document that proposing the establishment of a new renal-disease-facility must document the availability of clinical and pathological laboratory services, blood bank, nutrition, rehabilitation, psychiatric and social services, and self-care dialysis support services will be available. Documentation shall consist of a narrative as to how such services will be provided. the following support-services

1) Renal-Transplantation-Center

The following services must be available on the facility's premises--laboratory-services, social-services, dietetic services-and self-care-dialysis-support-services, inpatient dialysis-services, pharmacy, specialized blood-facilities (including tissue-typing) and the participation of the center in a recipient registry.

2) Renal-Dialysis-Centers-or-Facility

Clinical-and-pathological-laboratory-services-blood-bank nutrition-rehabilitation-psychiatric-and-social-services self-care-dialysis-support-services

g4) "Affiliation Agreements" - Review Criteria

1) Any applicant proposing to establish a new renal transplantation-center of service must document that the transplantation-center is a part of or affiliated with a university-medical-center

2) The Any applicant proposing to establish a renal-dialysis category-of-service must document that a written affiliation agreement or arrangement, in writing, is in effect for the provision of inpatient care and other hospital services. Documentation shall consist of copies of all such agreements.

3) If a renal-dialysis-facility-or-a-renal-dialysis-center will be established that an affiliation agreement or arrangement-in-writing-is-in-effect-for-the-provision-of inpatient-care-and-other-hospital-services-to-referred patients-and

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

B) a written agreement with another dialysis-facility-for-the provision-of-self-care-dialysis self-care instruction, home-dialysis-and-home-training-is-established-if-it-is not-or-will-not-be-provided-at-the-applicant-facility

h) Self-Care and Home Dialysis Training--Review Criterion

The applicant must document that self-care dialysis, self-care instruction, home dialysis and home training will be provided at the applicant facility or that a written agreement with another facility for the provision of these services exists. Documentation shall consist of a certification that services are provided by the applicant or copies of all agreements for provision of such services.

j) "Modernization"---Review Criteria

1) It is the policy of the State Board that no renal-dialysis-center or-facility be allowed to modernize-unless

2) The renal-dialysis-facility-or-center-is-operating-at-or above-the-minimum-utilization-rate-for-such-a-facility-as detailed-in-Section-1100-620, or

3) There are no other dialysis-centers-or-facilities-within-45 minutes-travel-time-or-90% of the residents-of-the-service area

k) "Addition of Stations"---Review Criteria

1) It is the policy of the State Board that the need for additional dialysis-stations be met by the expansion of existing renal dialysis-centers-or-facilities-unless no-facilities-or-centers exist-within-the-planning-area-or-unless-90% of the residents-of the-area-would-have-to-travel-more-than-45-minutes-to-existing services-or-unless the applicant can document improvements-in patient-access-as-a-direct-result-of-the-proposed-project. Performance-with-this-criterion-occurs-when-the-proposed-provider will-improve-the-distribution-of-stations-to-population-by decreasing-travel-times. Documentation-shall-include

2) statement-of-travel-times-to-existing-providers

3) density-of-population-in-the-area-to-be-served-and

4) a certification-of-waiting-times-or-scheduling-problems-in existing-facilities

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

91

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL LONG-TERM CARE

Section 1110.1730 General Long-Term Care--Review Criteria

a) "Facility Size"--Review Criteria

The maximum size of a no-application-for-permit-for-construction of a new facility or for addition of beds will be approved if such project will result in a total general long-term care facility is bed count in excess of 250 beds, unless the applicant can document that a larger such facility would provide personalization of patient care and documents provision evidence quality care based on the experience of the applicant and compliance with the Agency's licensing standards, (77 Ill. Adm. Code: Chapter I, Subchapter C) (Long-Term Care Facilities) over a two year period of time.

b) "Community Related Functions"--Review Criteria

The applicant must document in addition to fulfilling the purpose for which the permit is sought, a proposed project must indicate the extent to which each of the following will be met:

1) The provision of alternative programmatic approaches to health facility institutionalization for the service or planning area's population, such as, but not limited to:

- A) housing for the elderly
- B) day-care centers
- C) outpatient or neighborhood health centers
- D) meals on wheels or nutrition programs
- E) home health or other related programs

2) Cooperation with and the receipt of the endorsement of community groups such as, but not limited to social, economic or governmental organizations; or other concerned parties or groups. Documentation shall consist of copies of all letters of support from such organizations.

- A) social, economic or governmental organizations
- B) other concerned parties or groups

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

91

NOTICE OF PROPOSED AMENDMENTS

c) "Zoning"--Review Criteria

The applicant must document one of the following:

- 1) the property to be utilized has been zoned for the type of facility to be developed; or
- 2) zoning approval has been received; or
- 3) a variance in zoning for the project is to be sought.

c) "Variances to Computed Bed Need"--Review Criteria

The following variances are recognized by the State Board as a basis for granting approval to a project that is not in accord with computed bed need as determined by the Agency for General Long-Term Care:

1) The "Defined Population" Variance.

A) The applicant must document proposed project must involve an existing or proposed new facility that has documented that the proposed project it will be servicing a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic area. In addition to the previous requirements, the proposed project must provide documentation of the following: that the services provided by the proposed project are such that Documentation shall consist of one of the following:

- 1) the services do not exist in the health service area where the facility is or will be located; and/or
- 1) the services cannot be instituted at existing facilities within the health service area in sufficient number to accommodate the group's needs.

B) The applicant must document that the proposed number of beds are needed, as justified by providing Documentation shall consist of verification that the proposed project will achieve, within the first year of operation, an annual occupancy in excess of the target occupancy. of 90% and that at least 85% of the residents needing the-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

facility's services are members of the defined population group.

- C) The applicant must document that at least 85 percent of the residents who will seek service needing the facility's services are members of the defined population group. Documentation shall consist of an identification of the defined population volume and location and rationale for utilization projections.

- D) The applicant must document that the proposed project is either directly owned, sponsored or affiliated with the religious, fraternal or ethnic group that has been defined as the population to be served by the project. The applicant must provide such documentation should include any legally-binding documents which would prove ownership, sponsorship or affiliation.

- E) The applicant must document documentation must be provided that there are an available number of patients/residents needing the facility's services and that the proposed facility will include beds in both the Nursing Category of Service and either the Sheltered Care Category of Service or residential living arrangements which are not licensed by the Agency. Documentation shall consist of a certification of the proposed bed mixture.

2) "Accessibility" Variance

- A) The applicant must document that access to the proposed service is restricted in the planning area as documented by entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing a long-term care category of service which is not readily accessible to the general population of the given planning area. Factors affecting accessibility include, but are not limited to:

- 1) the absence of the lack of beds within the planning area a specific category of service;
or
++ Denominational, fraternal or ethnic admission restrictions or

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- ++ Limitations on governmentally funded or charity patients the number of Medicare patients and residents/patients; or

- +++ Restrictive admission policies of existing area providers by facilities currently existing in the area.

- B) Documentation shall consist of location and utilization of other planning area service providers, and a certification of waiting times and scheduling or admission restrictions that exist in area providers.

- CB) In addition to the above, the applicant proposed project must also document provide documentation that the proposed number of beds proposed will not exceed the number needed to meet the health care needs of the population identified as having restricted access at the target occupancy rate is justified and that the proposed project will achieve within the first year of operation, an occupancy of 90% and that there are an available number of patients/residents needing the facility's services to meet this occupancy level.

3) Acute Care Conversion Variance

- AC) The applicant Any acute care facility proposing to convert beds from an acute care service to long-term care beds, must document a shortage of long-term care beds in the planning area or a shortage of Medicare certified beds in the area because at least one of the following:

- 1) a DRG extended stay caseload exists at the applicant facility that cannot be referred to existing facilities because of a bed shortage; or
11) a large number of long-term care patients with medical conditions which require a combination of acute and chronic care receive care at the applicant institution.

- ++ That the facility is having trouble placing patients in long-term care facilities in the planning area due to a shortage of long-term care beds in the planning area or a shortage of Medicare certified beds in the area in which

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

patients can be placed or

- iii) That there exists in the facility a case load of "DRG-extended stay" patients that cannot be treated without the establishment of a long-term care unit and the facility must document that the number of "DRG-extended stay" patients in the facility (for the latest 12-month period for which data is available) is sufficient to justify the establishment of a long-term care unit and the number of beds proposed.

- iii) That the facility can document that there are a sufficient number of patients with certain medical conditions (that cannot be appropriately moved to a setting outside of a hospital without risk to their lives), to justify the establishment of a long-term care unit and the number of beds being proposed.

ivb)

Documentation shall include: a summary of patient diagnosis and condition at the time of long-term care placement; a statement as to the number of patients who have been maintained in the hospital beyond DRG reimbursement limitations (see 42 CFR 223(1982)); statements by physicians as to the need to maintain DRG extended stay patients in a hospital rather than a nursing home setting; and waiting lists in existing skilled long-term care providers.

- v) A positive evaluation on this criterion shall be granted when the potential number of patients documented by the applicant is reviewed against the proposed number of beds to determine if a 90% occupancy target can be maintained. Also, the hospital must prove that patients are too severely ill to be discharged to long-term care providers.

- c) The applicant must document that the proposed number of beds will achieve, within the first year of operation, an average occupancy of 90 percent.

42)

"Continuum of Care" Variance

- A) The applicant must document that the proposed project must be a component part of an overall

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

master plan which will provide a "continuum of care" for a geriatric population which includes independent living and/or congregate housing (such as unlicensed apartments, high-rises for the elderly, and retirement villages) and related health and social services. Such housing complex must be on the same site as the health facility component of the project. Such a proposal must be for the purposes of and serve only the residents of the housing complex and may be developed in one of the two following ways:

- i) The proposal may be developed after the housing complex has been established; or
- ii) The proposal may be developed as a part of a total housing construction program, provided that, documentation is provided that the entire complex is one inseparable project and that there is a documented demand for the housing and that the licensed beds will not be built first, but will be built concurrently with or after the residential units.
- B) In addition to the above, the applicant proposed project must also provide documentation of the following:

- i) That the proposed number of beds are needed. Documentation shall consist of a list of 15 justified by providing documentation that there are an available number of patients/residents needing the proposed project facility's services. The proposed number of beds may not exceed one licensed long-term care bed for every four apartments or independent living units; and
- ii) That the proposed general long-term care facility will include beds in both the Nursing Category of Service and the Sheltered Care Category of Service in a ratio not to exceed 2 Nursing Care beds to every Sheltered Care bed; and
- iii) That the proposed project will make or has made provision in its written policies of operation that if a resident of the retirement community is transferred to the long-term care

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- A) social, economic or governmental organizations; and/or
- B) other concerned parties or groups.

unit, that the resident will not lose his or her apartment unit or be transferred to another long-term care facility solely because of the resident's altered financial status or medical indigency.

c) "Recommendation from the State Agencies Department of Mental Health and Developmentally Disabled" - Review Criteria

(Source: Amended at 15 Ill. Reg. _____, effective _____)

An applicant proposing a facility for the developmentally disabled Any project involving the addition of beds or establishment of a new category of service must provide secure the

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED LONG-TERM CARE

Such Documentation must include a letter from the Office of the Director of each department of the Department of Mental Health and Developmentally Disabled stating the project's consistency with the long-range goals and objectives of the Department and the identification of individuals in need of the service of Mental Health and Developmentally Disabled.

Section 110.1830 Specialized Long-Term Care--Review Criteria

d) "Variances for Facilities for the Developmentally Disabled--Only--Review Criteria

a) "Facility Size" - Review Criteria
The maximum unit size is no project for addition of beds or establishment of a new category of service shall be approved which shall result in a total specialized long-term care bed count in the new or existing facility in excess of 100 beds unless the project is for a state-operated facility for a facility solely providing or proposing to provide the "Long-Term Medical Care for Children category of service".

The following variances are recognized by the State Board as a basis for granting approval to a project for the developmentally disabled that is not in accord with computed bed need

b) "Community Related Functions" - Review Criteria
In addition to fulfilling the purpose for which the permit is sought, a proposed project should indicate the extent to which each of the following will be met:

- i) "Accessibility" - Variance
 - A) Entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing a specialized long-term care category of service for the developmentally disabled which is not readily accessible to the planning area. Factors affecting accessibility include, but are not limited to:
 - i) The lack of beds for the treatment of the developmentally disabled; and/or
 - ii) Admission restrictions which exclude the developmentally disabled; and/or
 - iii) Limitations on the number of public aid residents/patients; and/or
 - iv) Restrictive admission policies by facilities.

- i) The provision of alternative, programmatic approaches to health facility institutionalization for the service or planning area's population, such as, but not limited to:
 - A) housing for the elderly;
 - B) day care centers;
 - C) outpatient or neighborhood health centers;
 - D) meals on wheels or nutrition programs; and/or
 - E) home health or other related programs.

2) The applicant must document cooperation with and the written receipt of the endorsement of community groups including such as, but not limited to:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

currently-existing-in-the-area.

- B) In addition to the above, the proposed project must provide documentation that the proposed number of beds is justified and that the proposed project will achieve within the first year of operation, an occupancy of 90% and that there are an available number of patients/residents needing the facility's services to meet this occupancy level.
- C) If the project is for an "Intermediate-Care-Facility for the Developmentally Disabled of Fifteen-(15)-Beds or Less", the applicant must also provide documentation of the following:
- 1) That the appropriate zoning permit or its equivalent (such as a "Special-Use" permit or appropriate governmental approval) has been secured; and
 - 2) That any interested persons or groups from the community in which the facility is to be located have had the opportunity to provide input regarding the proposed project. Such documentation may include, but is not limited to, letters of support from interested persons or groups within the community.
- 2) "Redistribution of State-Operated Beds"-Variance.
- A) The State Board recognizes that there may be a maldistribution of facilities within certain HSA's and encourages proposed projects that intend to replace and redistribute (on a one-to-one basis) any beds currently in operation in state-operated facilities to the private sector for the purpose of providing long-term care to the "Developmentally Disabled" on a community basis. Such one-to-one redistribution will be allowed only when no additional bed need exists.
- B) Entitlement to this variance is dependent on the proposed project's documentation that the number of beds to be redistributed and added are needed in order to treat residents from the planning area currently receiving treatment at state-operated facilities. In addition, the Department of Mental Health and Developmental Disabilities must indicate-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

which state-operated facilities and/or beds are to be taken out of service upon completion of the redistribution project.

- C) No project for redistribution may receive entitlement to this variance or be approved when the current number of privately-operated existing beds in the service area exceeds the area's state-need.

- d) "Long-Term Medical Care for Children Category of Service (Only)" - Review Criteria.

The Any applicant providing or proposing to provide this category of service, proposing to construct a new facility, or beds or an addition to an existing facility, must document the following:

- 1) the "service or planning area" served by the facility and the size of the specialized population ages 0-18 years to be served within that geographic area. Such documentation must include, but is not limited to, any reports or studies done by the facility or any outside group or agency, showing the points of origin of patients/residents admitted to the facility within a specified period of time (preferably for the latest 12 month period for which data is available); and
 - 2) identification of the special programs and/or services to be provided or currently offered by the applicant facility and the relationship of such programs to the needs of the specialized population (as outlined above); and
 - 3) insufficient service capability currently exists to meet this need; and
 - 4) The number of beds in the proposed project is needed justified by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90 percent.
- e) Zoning--Review Criterion
- The applicant must document that:
- 1) the property to be utilized has been zoned for the type of facility to be developed; or
 - 2) zoning approval has been received; or

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) a variance in zoning for the project is to be sought.

f) Establishment of Chronic Mental Illness--Review Criterion

The applicant must document that:

- 1) all beds will be operated by the State of Illinois; and
- 2) the resident population and type of resident/patient served has changed necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;
- 3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit;
- 4) admissions from the general public have increased over the last two-year period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.
- 5) documentation shall consist of a narrative statement detailing the scope of system changes which have brought about the need for the project and historical utilization of facilities involved.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section 1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

a) Initial Introduction--Review Criterion

The equipment must be located in Chicago.

b) Utilization of Equipment--Review Criterion

The applicant must document a minimum volume of at least 1,000 cases of new cancer patients eligible for radiation therapy per year from its or other referred facilities of ongoing cancer patients. Documentation shall consist of historical cancer caseload data and copies of all referral agreements.

- †† The initial introduction of a L.E.T. Generator will allow the State Board, as well as the area-wide health planning organizations, the opportunity to study data generated by-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

the initial project, thus evaluating the efficacy of this technologically innovative equipment.

- 2) Because this equipment is experimental and costly, the Illinois Health Facilities Planning Board has determined that for the period of study and data collection there be just one piece of this equipment allowed in the State of Illinois for facilities subject to the Act.

3)

- A) It is believed that this equipment would be most appropriately placed in Chicago, since it has the highest concentration of population which would require such services.

AGENCY NOTE:--Department of Health, Education and Welfare, Guidelines printed January 16, 1979, p. 11.

- B) The Department of Health and Human Services recommends that each facility offering the service be able to document at least 1,000 cases of new cancer patients (eligible for radiation therapy) per year from its ongoing cancer patients.

- b) Appropriate Medical and Related Services to be Provided--Review Criteria

1)

- A) The applicant must document the availability of specialists adequately trained in radiation therapy specialties. This staff must include the following:

- i) Radiation Oncologist(s)
 - ii) Radiological Physicist(s)
 - iii) Nurse(s)
 - iv) Computer Science Analyst(s)
 - v) Radiation Therapy Technologist(s)
 - vi) Mechanical-Electrical Engineer(s)
- B) Documentation shall include: a statement

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

concerning proposed staffing patterns for the service; and the names, qualifications, and specialties of individuals who will staff the service.

2) Support Services

The applicant Facilities which provide these services must document provide that each cancer patient have or will have access to specialty services which can contribute to the diagnosis and treatment of his or her disease. Facilities shall provide for a multidisciplinary management approach for the treatment of cancer which includes such services as The applicant must document oncologic diagnostic radiology, chemotherapy, surgery, rehabilitation and appropriate psychological and social support services will be available.

3) Multi-institutional Systems

The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of high linear energy transfer generators. Documentation shall include letters from other providers indicating they will refer patients to the applicant and statements from other area providers that they will not duplicate the proposed service as shown in their capital budgets.

c) Data Collection--Review Criteria

1) The applicant must document the availability of the State Board recognizes the need to gather and share information to evaluate the efficacy of the use of high LET particles in cancer patient treatment. Therefore, no application for permit will be approved unless documentation is provided indicating that a cancer or tumor registry will be utilized in the applicant facility. Documentation shall consist of a written certification as to the existence of such a registry.

2) The applicant must provide utilization data, clinical data, and reports of initial efficacy in comparison to other forms of therapeutic modalities as requested by the State Agency.

d) Additional Acquisition--Review Criteria

The State Board does not recognize a need for additional acquisition beyond the number specified in Subsection (a)(3)-

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

above

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA - SELECTED EXTRA-RENAL ORGAN TRANSPLANTATION

Section 1110.2310 Introduction

Subpart X contains review criteria which pertain to the selected extra-renal organ transplantation category of service. These review criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.2320 Selected Extra-Renal Organ Transplantation--Definitions

a) The selected extra-renal organ transplantation service means a category of service relating to the surgical transplantation of any of the following human organs: heart, lung, heart-lung, liver or pancreas.

b) An selected extra-renal organ transplantation center means a hospital which provides staffing and other adult or pediatric medical and surgical specialty services required for the care of a heart, lung, heart/lung, liver or pancreas an extra-renal transplant patient.

c) "Teaching Institution" for the purposes of this subpart means a hospital having a major relationship with a medical school as defined and listed in the current "Directory of Residency Training Programs" developed by the American Medical Association, 535 Dearborn, Chicago, Illinois 60610 and the National Organ Procurement and Transplantation Network.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1110.2330 Selected Extra-Renal Organ Transplantation--Review Criteria

a) Establishment of a Program - Review Criteria

1) The Any applicant proposing establishment of the extra-renal category of organ transplantation category of service must document the following:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) the applicant facility is a teaching institution; and
- B) the transplantation program will be performed in conjunction with graduate medical education.
- 2) Documentation shall consist of a written agreement between the applicant and the medical school detailing the relationship of the transplantation program to graduate medical education initiatives and compliance with the medical education general review criterion.

Agency Note: The applicant must also address the general review criterion on medical education.

b) Physical Facilities - Review Criteria

The Any applicant proposing establishment of the extra-renal organ-transplantation category of service must document have available sufficient operating and recovery room resources, intensive care resources and personnel to operate the transplant program as reflected in the norms found in Appendix B of Part 1110.

c) Access to Donor Organs - Review Criteria

The applicant transplant programs must document have access to donor organs. This must be accomplished by membership in the National Organ Procurement and Transplantation Network and in a Regional Organ Procurement Agency.

d) Recipient Selection - Review Criteria

The Any applicant proposing establishment of the extra-renal organ-transplantation category of service must provide a copy of its procedures for selecting transplant candidates and distribution of organs.

e) Surgical Staff - Review Criteria

The Any applicant proposing organ-transplantation must document that the facility has on staff transplant surgeon(s) appropriately certified in the applicable specialty and that each has had a minimum of one year of training and experience in transplant surgery, post-operative care, long-term management of organ recipients and the immunosuppressive management of transplant patients. Documentation shall consist of certification by the hospital administrator that the personnel with the appropriate certification and experience are on the hospital staff.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

f) Collaborative Support - Review Criteria

The applicant A-transplant program must document show evidence of collaborative involvement with experts in the fields of hepatology, cardiology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, anesthesiology, physical therapy, and rehabilitation medicine. Documentation of collaborative involvement shall include, but not be limited to, a plan of operation detailing the interaction of the transplant program and the stated specialty areas.

g) Ancillary Services - Review Criteria

The applicant A-transplant program must document have on site onsite access to microbiology, clinical chemistry, radiology, blood bank and resources facilities required to monitoring use of immunosuppressive drugs. The applicant facility must also have access to tissue typing services and be able to provide psychiatric and social counseling for the transplant recipient and for their families.

h) Data - Review Criteria

The Any applicant for the extra-renal organ-transplantation category of service must document state that information on finances (cost and charges) and on graft and patient outcomes will be provided to the Department of Public Health including the National Organ Procurement and Transplantation Network and the Experimental Organ Transplantation Procedure Board.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section 1110.2410 Introduction

Subpart Y contains Review Criteria which pertain to the Kidney Transplantation category of service. These review criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 1110.2420 Kidney Transplantation--Definitions

- a) Kidney Transplantation is a category of service which involves the surgical replacement of a nonfunctioning human kidney with a donor kidney in order to restore renal function to the patient.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Kidney Transplantation Center means a hospital which directly furnishes transplantation and other medical and surgical specialty services required for the care of the kidney transplant patient, including inpatient dialysis furnished directly or under arrangement.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 1110.2430 Kidney Transplantation--Review Criteria

- a) Establishment of Facilities--Review Criterion

The applicant must document that each existing renal transplantation center is serving a population base of more than two million with the performance of 25 or more transplants per year and that an unserved population of at least two million people exists within three hours travel time. Documentation shall consist of travel time studies involving all existing service providers.

- b) Kidney Transplantation Center--Review Criterion

The applicant must document that the following are available on premises: laboratory services, social services, dietetic services and self-care dialysis support services, inpatient dialysis services, pharmacy, specialized blood facilities (including tissue typing). The applicant must also document participation of the center in a recipient registry. Documentation shall consist of a certification as to the availability of such services and participation in a recipient registry.

- c) Affiliation Agreements--Review Criterion

The applicant must document that the transplantation center is a teaching institution.

(Source: Added at 15 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Racing Rules
2) Code Citation: 11 Ill. Adm. Code 1318
3) Section Numbers Proposed Action

1318.180 New Section
1318.190 New Section

- 4) Statutory Authority: 111. Rev. Stat. 1989, ch. 8, par. 37-9(b).

- 5) A complete description of the subjects and issues involved: The rail that has been installed at Maywood Park uses pylons on the inside of the track to keep horses off the grass. This system does not have a continuous, solid rail to prevent the horse or part of the sulky from leaving the race course. These rules deal specifically with circumstances which may force a horse inside the pylon and the steps a driver must take to guide the horse back on the track safely. These rules also provide for open stretch racing.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed amendments contain incorporation by reference? No.

- 9) Are there any other proposed amendments pending in this Part? No.

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 10/9/91
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment is identical to the text of the Emergency amendments which appears on page 15611 of this issue of the Illinois Register.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: The Consultative Examination Process

2) Code Citation: 89 Ill. Adm. Code 840

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
840.10	amendment
840.20	amendment
840.30	amendment
840.40	amendment
840.50	amendment
840.60	new section
840.70	new section
840.75	amendment
840.80	amendment
840.90	amendment
840.95	new section
840.100	new section
840.105	new section
840.110	new section
840.115	new section

4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

5) A Complete Description of the Subjects and Issues Involved: These amendments update certain incorporation by reference statements involving the Department's policies and procedures for the Bureau of Disability Determination Services regarding the consultative examination process and incorporate new federal regulations.

6) Will proposed amendments replace an emergency rule currently in Effect:
No

7) Do these amendments contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date:

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit date, views, argument

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

or comments about these amendments. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

Ms. Susan Warner
Regulations and Procedures
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has reviewed these rules and found that they have no impact on small business.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 840

THE CONSULTATIVE EXAMINATION PROCESS

SUBPART A: CONSULTATIVE EXAMINATION PROCEDURES

Section	Definitions
840.10	Incorporation by Reference
840.11	Criteria for Purchase of Consultative Examinations
840.20	Type of Purchased Consultative Examinations
840.30	Selection of a Source
840.40	Arranging for a Consultative Examination
840.50	Failure or Refusal to Appear for Consultative Examination
840.60	Sending Consultative Examination Report to Claimant's Treating Source
840.70	

SUBPART B: MONITORING AND MANAGING THE CONSULTATIVE EXAMINATION PROCESS

Section	Definitions
840.75	Consultative Examination Report Content
840.80	Review of Consultative Examination Reports
840.90	Consultative Examination Oversight Plan
840.95	Program Integrity
840.100	Conflict of Interest
840.105	Handling Situation When Properly Signed Report Not Received
840.110	Claimant Evaluation of Consultative Examination Providers
840.115	Monitoring Qualifications of Consultative Examination Provider's Support Staff

Appendix A Preferred Consultant Types

Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (111. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

Source: Adopted at 11 Ill. Reg. 9315, effective April 28, 1987; amended at 15 Ill. Reg. _____, effective _____.

SUBPART A: CONSULTATIVE EXAMINATION PROCEDURES

Section 840.10 Definitions

"Adjudicative staff" means the staff who participate in making disability determinations.

"Bureau" means the Bureau of Disability Adjudication Determination

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Services within the Illinois Department of Rehabilitation Services.

"Chief Medical Consultant" means the physician within the Bureau who, together with the Medical Relations Unit, has responsibility for coordinating and monitoring the panel of physicians who perform consultative examinations for the Bureau.

"Consultative examination" means a medical examination purchased by the Bureau from ~~an attending~~ a treating physician or psychologist, another source of record, or an independent source to secure additional information necessary to make a disability determination or to resolve conflicting information.

"Curriculum vitae" means a summary of academic and professional qualifications submitted to the Bureau by consultative examination providers for review and approval.

"Department" means the Illinois Department of Rehabilitation Services.

"Evidence" means any information submitted relative to a claim for disability as described in the Code of Federal Regulations 20 CFR 404.1512 and 416.912 as amended August 1, 1991.

"Geographical section" means the operational component of the Bureau which is composed of five adjudicative units and is set up to provide service to disability claimants according to their place of residence.

"Hold status" means a situation where there is a temporary suspension of referrals to a consultative examination provider due to inability to schedule appointments within 30 days, unacceptable reports, pending Bureau investigation as described in Section 840.90(b)(3), late reports, or provider request.

"Key provider" means a consultative examination provider that meets at least one of the following conditions described in the Code of Federal Regulations 20 CFR 404.1519s and 416.919s amended August 1, 1991.

~~Any consultative examination provider with estimated annual billings to Social Security disability programs of at least \$100,000; or~~

~~Any consultative examination provider or facility where the practice is primarily directed toward evaluation examinations rather than the treatment of patients; or~~

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~Any consultative examination provider that does not meet the above criteria; but is one of the top five consultative examination providers by dollar volume in the State as evidenced by data from the year immediately prior:~~

"Medical or psychological consultants" means those physicians and psychologists who work directly for the Bureau or under contract and also those who do review and adjudication work in the Bureau.

"Program Operations Manual System (POMS)" means the policies and procedures of the Social Security Administration which set forth the objectives and requirements of the disability programs and furnish the standards with which Social Security Administration operating components must comply in the administration of the functions they perform. The Social Security Act is the basis for all standards set forth in the Program Operations Manual System.

"Treating source" means a medical source currently providing treatment to a claimant for alleged or documented impairments as described in the Code of Federal Regulations 20 CFR 404.1502 and 416.902 as amended August 1, 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.20 Criteria for Purchase of Consultative Examinations

The Bureau incorporates the criteria specified in the ~~Program Operations Manual System; BI-22510-001; BI-22510-005; BI-22510-010; and BI-22510-015 amended January 1986~~ Code of Federal Regulations 20 CFR 404.1517, 404.1519, 404.1519a, 404.1519b, 416.917, 416.919, 416.919a and 416.919b as amended August 1, 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.30 Type of Purchased Consultative Examinations

a) The Bureau incorporates the standards set forth in the ~~Program Operations Manual System; BI-22510-020 as amended January 1986~~ Code of Federal Regulations 20 CFR 404.1519f and 416.919f as amended August 1, 1991.

b) The Bureau uses the consultant types listed in Part 840, Appendix A to determine the preferred specialty for consultative examinations. Appendix A lists the consultant types in order of preference by body system and is adhered to unless the specialty is unavailable in the geographic area in which a claimant resides.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 840.40 Selection of a Source

- a) The Bureau incorporates the following criteria described in the Program-Operations-Manual-System;--BI-22510-025;--and-BI-22510-030--and BI-22510-035--as--amended--January--1986--and--April--1987 Code of Federal Regulations 20 CFR 404.1519g, 404.1519h, 416.919g, and 416.919h as amended August 1, 1991.
- b) If the attending treating physician or psychologist is not used to perform the consultative examination, then an independent source who has been accepted by the Bureau as a consultative examination provider will be selected according to the geographic location of the claimant and the medical specialty required for the examination as listed in Section 840.30. Arrangements will be made to hold the examination as close as possible to the claimant's home. Every effort will be made to avoid requesting the claimant to travel long distances (e.g.; more than 100 miles round trip). If the claimant is unable to travel to the place of the examination because of health reasons; incarceration or institutionalization; arrangements will be made to have the examination at the individual's own home or institution Code of Federal Regulations 20 CFR 404.1519i, 404.1519j, 416.919i, and 416.919j as amended August 1, 1991, and POMS DI 22510.011 as amended August, 1991.

- c) A If a source other than the claimant's treating physician or psychologist is used for a purchased examination or test, a claimant will be provided with the name of one consultant for each examination requested using the following criteria:

- 1) Claimants will be referred to consultants as close as possible to the claimant's place of residence;
- 2) Consultants will be fluent in English or will speak the language of the claimant. If there is no consultant available who speaks the claimant's language, then the Bureau will assist the claimant in arranging for an interpreter. The Bureau will pay for an interpreter if payment is requested.
- 3) Consultants placed on "hold status" will not be selected;
- 4) Consultants listed as previously used for a claimant will not be selected.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.50 Arranging for a Consultative Examination

ILLINOIS REGISTER
DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) The Bureau incorporates the standards as stated in the Program Operations Manual System BI 22510-045 paragraphs (A); (B); (C); (D) and (E) as amended January, 1986 Code of Federal Regulations 20 CFR 404.1519k, 404.1519m, 404.1519n, 416.919k, 416.919m, and 416.919n as amended August 1, 1991.
- b) The Bureau has established the following procedure when arranging for a consultative examination:

- 1) The claimant will be sent a written notice explaining: as described in POMS DI 22510.016D as revised August, 1991.
 - A)---The need and reasons for a consultative examination;
 - B)---That the examination will be performed at the Bureau's expense;
 - C)---That the claimant can be reimbursed for travel expenses and how to request reimbursement;
 - D)---That it is the claimant's responsibility to appear for the examination; and if unable to attend; to notify the Bureau prior to the scheduled appointment;
 - E)---That if a claimant has been requested to schedule an appointment and has not done so after ten days or if the claimant does not appear for the examination at the time and place indicated and does not have good cause according to the criteria in the Program Operations Manual System BI 22510-055(B) ; a decision will be made based on the evidence in file which may result in a finding of no disability or blindness;
 - F)---That the claimant will either make an appointment with a consultant or confirm an appointment which has been pre-scheduled;
 - G)---The type of examination and tests to be performed and any special instructions for the tests;
 - H)---That a leaflet is attached: Social Security Administration (SSA) Publication No- 05-10887; entitled "A Message From Social Security About the Special Medical Examination Needed for Your Disability Claim;"
 - I)---That the claimant can have a copy of the consultative examination report sent to his/her own doctor upon the claimant's written request.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) In the event that the claimant has a representative, the Bureau will follow the criteria specified in the Program Operations Manual System BI 22510-045(B) as amended January; 1986 POMS DI 22510.016E revised August, 1991.
- 3) A voucher authorization explaining the type of examination and tests to be performed, how the appointment will be scheduled, and how to complete the vouchers for payment will be sent to the examining consultant.
- 4) If a source other than the attending treating physician or psychologist is used, background disability material will be sent to the consultant for review prior to the examination.
- 5) When a claimant objects to the consultant used for the examination, the Bureau will follow the criteria specified in the Program Operations Manual System BI 22510-025(B) and (6) as amended April-1987 and BI 22510-055(B) as amended January; 1986 POMS DI 22510.010 revised August, 1991.
- 6) When a claimant objects to the date or time of the scheduled examination, the Bureau will follow the criteria specified in the Program Operations Manual System BI 22510-025(B) and (6) and BI 22510-055(B) as amended January; 1986 POMS DI 22510.017 revised August, 1991.
- 7) If a claimant does not schedule an appointment within ten days of a request to do so; the claimant will be recontacted and asked again to schedule an appointment within ten days. If there is an indication in file that the claimant is unable to act in his or her own behalf or to understand a written notice, assistance will be offered to the claimant. If assistance is required, contact will be made with family members; interested third parties or the Social Security Administration district office. If, after the second ten days; no appointment has been scheduled; then a determination will be considered based on the evidence in file. In regard to consultative examination follow-up schedules with claimants, the Bureau will follow the criteria set forth in the POMS DI 22510.017 revised August, 1991.
- 8) Five days prior to a scheduled examination; the claimant will be contacted by telephone or by mail to remind him or her of the appointment date and time.
- 9) When a claimant does not keep a scheduled appointment; the Bureau will follow the criteria specified in the Program Operations Manual System BI 22510-055(A); (B); (6); and (B) as

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

amended January; 1986: A claimant who misses an appointment will be excused for lack of a reminder when the Department fails to contact the claimant.

- 1) A claimant will be reimbursed for travel according to the policy stated in the Code of Federal Regulations 20 CFR 404.999a, 20 CFR 404.999b, 20 CFR 404.999c, 20 CFR 404.999d, 20 CFR 416.1495, 20 CFR 416.1496, 20 CFR 416.1498, and 20 CFR 416.1499 as amended March 14, 1986; and POMS DI 39525 as amended February, 1989. Reimbursement for travel, meals, and lodging will be made in accordance with 80 Ill. Adm. Code 2800.
- 2) A consultant making a home visit will be paid \$20.00 plus \$.40 19 per mile or a minimum of \$5.00 for travel and for mileage, if mileage is over 12 miles round trip from the consultant's office or home. Mileage will be computed using the most direct route from the consultant's office/home to the claimant's home.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.60 Failure or Refusal to Appear for Consultative Examination

The Bureau will handle a situation in which the claimant fails or refuses to appear for a consultative examination according to the specifications of 89 Ill. Adm. Code 843.150.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 840.70 Sending Consultative Examination Report to Claimant's Treating Source

The Bureau will send a copy of the consultative examination report upon request following the specifications in POMS DI 22510.030 as amended August, 1991.

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART B: MONITORING AND MANAGING THE CONSULTATIVE EXAMINATION PROCESS

Section 840.75 Consultative Examination Report Content

- a) The Bureau incorporates the standards listed in the Program Operations Manual System BI 22510-060(A); (B) and (6) amended January; 1986 Code of Federal Regulations 20 CFR 404.1519n, 20 CFR 416.919n as amended August 1, 1991, and POMS DI 22510.021 - 22510.027 revised August, 1991.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) To ensure that uniform standards are used in preparing consultative examination reports, the Bureau provides each consultant with a packet containing sample reports for his or her specialty.
- c) The first three five reports of new consultants are reviewed for acceptable report content according to the standards set forth in the Program Operations Manual System Pt 22510-060f6) amended January; 1986 Code of Federal Regulations 20 CFR 404.1519n, 20 CFR 416.919n as amended August 1, 1991, and POMS DI 22510.021 - 22510.027 revised August, 1991.
- d) The Bureau conducts an ongoing review of cases with regard to consultative examination report content as described in the criteria in the Program Operations Manual System Pt 22510-060f6A); (B) and (C) amended January; 1986 standards incorporated in 89 Ill. Adm. Code 840.73a.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.80 Review of Consultative Examination Reports

- a) The Bureau incorporates the standards set forth in the Program Operations Manual System Pt 22510-060f6A) and (B) amended January; 1986 Code of Federal Regulations 20 CFR 404.1519p and 416.919p as amended August 1991.
- b) The Bureau also adheres to the following procedures with regard to reviewing reports of consultative examinations:
- 1) Ongoing review of cases will be performed with regard to consultative examination report content and adherence by adjudicative staff and providers to procedural criteria (e.g., guidelines for arranging for, conducting, and reporting consultative examinations) as specified in POMS DI E39545.430 - .435 revised August, 1991.
 - 2) Special studies of the consultative examination process will be conducted according to POMS DI E39545.430 - .435 revised August, 1991. Areas of study shall include but are not limited to:
 - A) Random sample study of report content of specific key providers;
 - B) Time study to determine length and efficiency of consultative examination process, the internal validity

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

of the CE report and the consistency of the CE report compared to other medical information in file.

- 3) A) An ongoing review of consultative examinations will be conducted on a monthly basis within each geographic section.
- 4) The first three five reports of new consultants will be reviewed for adherence to acceptable report content per Section 840.75.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.90 Consultative Examination Oversight Plan

- a) The Bureau incorporates the standards described in the Program Operations Manual System; Pt 39545-220; Pt 39545-225; Pt 39545-400f6) and Pt 39545-410 as amended January; 1986 will conduct a consultative examination oversight following the specifications set forth in the Code of Federal Regulations 20 CFR 404.1519s, 404.1519t, 416.919s, and 416.919t as amended August 1, 1991, and POMS DI E39545.400 - .425 revised August, 1991.
- b) The Bureau also uses the following procedures with regard to establishment of a consultative examination oversight plan:
- 1) The following steps will be taken with regard to recruitment of the consultative panel:
 - A) The Bureau will undertake active recruitment of the consultative panel by contacting county medical societies, medical schools, Department field offices, physicians, clinics and various other medical sources in the community by mail, telephone and in person indicating Bureau needs and explaining the consultative examination process.
 - B) After a potential consultant has agreed to accept the Bureau's medical fees, perform examinations and testing according to the Bureau's requirements and submit examination reports per the Bureau's criteria concerning substance, quality and timeliness, a curriculum vitae will be requested.
 - C) The curriculum vitae will be reviewed and approved or disapproved by the Chief Medical Consultant. If the curriculum vitae is not approved, the consultant will be notified and will be informed of the reason(s) for

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

disapproval and what, if any, actions can be taken to correct the problems.

- D) After review and approval of the curriculum vitae, the following actions will be taken:

- i) The medical board of a physician consultant's specialty will be contacted to verify certification or eligibility for certification for the particular specialty (e.g., internal medicine, psychiatry, neurology, etc.).
- ii) The Illinois Department of Registration and Education will be contacted to verify that the consultant is licensed and to determine if any disciplinary action has been taken or is pending against the consultant.
- iii) The State of Illinois Comptroller's office will be contacted if the consultant indicates employment by another State agency. If the consultant is employed full-time by another State agency, then the Bureau will request that the consultant obtain a waiver from the Governor's office to perform consultative examinations and submit it to the Bureau.

- iv) If it is determined that the consultant is not board certified or eligible for certification (except if the consultant is the claimant's treating physician or psychologist), is not licensed or has had disciplinary action taken or is pending, or has not or refuses to sign a waiver as described in Section 840.90(b)(1)(D)(iii) then the consultant will be given written notification that the Bureau will not accept his or her application to perform consultative examinations. He or she will be informed of the reasons for nonacceptance. The Bureau will indicate that, if the situation is rectified at a later time, the consultant can reapply.

- E) Orientation According to the Code of Federal Regulations 20 CFR 404.1519s and 416.919s, orientation will be conducted before a consultant receives any referrals for examinations. The consultant will be given an orientation packet consisting of information on the Social Security disability program, medical evidence and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

consultative examination report requirements, consultative examination procedures, teledictation service, and confidentiality of records. He or she will also be given a copy of the Privacy Act of 1974 (5 U.S.C. 552a and 552a note), Handbook for Physicians, the Bureau's fee schedule, sample examination reports and sample invoice-vouchers. The consultant will provide information for completion of a Consultative Panel Information Form which contains information about the consultant's practice and x-ray, laboratory and testing procedures. The consultant will sign a Medical Disclosure Acknowledgement Form which explains that the consultant is prohibited from unauthorized disclosure of information obtained in conjunction with the Social Security disability program.

- 2) At least one unannounced visit per year will be made to the key provider facilities as a means of providing an onsite review of the facilities. According to the Code of Federal Regulations 20 CFR 404.1519s and 416.919s as amended August 1, 1991, the Bureau will undertake a program of systematic, onsite reviews of key providers that will include annual onsite reviews of such providers when claimants are present for examinations. The Bureau will use the review protocol for onsite reviews as specified in POMS DI E39545.445 and E39545.900 revised August, 1991.

- 3) The following situations are subject to investigation and shall result in removal of a consultative examination provider from the consultative panel, if the situation is not resolved:

- A) claimant complaints
- B) conflict of interest; i.e.: affiliation with another person or institution which might bias the consultant in reporting his or her evidence as described in Code of Federal Regulations 20 CFR 404.1519a and 416.919a as amended August 1, 1991
- C) evidence of fraud in report preparation
- D) facility in which exams are performed is unacceptable (e.g., inaccessible by disabled individuals persons with disabilities; the location, facility, equipment, or staff are not hygienic; improper use of equipment or equipment unacceptable per disability program requirements; license not displayed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

E) unacceptable reports (e.g., objective evidence not provided, use of decisional comments, brevity to the point that completeness of exam is questionable)

F) late reports

G) license revoked or suspended

H) fees which are above the usual and customary fees requested by other consultants in the area where the consultant is located

I) American Medical Association complaints

J) any other situation which is detrimental to the claimant or the claimant's determination of disability or blindness

K) death, retirement, request to be removed from panel.

4) The consultant will be given the opportunity to submit evidence on his or her behalf and to correct the problems when possible. Referrals to the consultant may be suspended pending the outcome of an investigation.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 840.95 Program Integrity

The Bureau will ensure program integrity by following the guidelines set forth in the Code of Federal Regulations 20 CFR 404.1503a and 416.903a as amended August 1, 1991.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 840.100 Conflict of Interest

The Bureau will avoid all implications of possible conflict of interest between medical or psychological consultants and their medical or psychological practices by following the guidelines indicated in the Code of Federal Regulations 20 CFR 404.1519q and 416.919q as amended August 1, 1991.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 840.102 Handling Situation When Properly Signed Report Not Received

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

The Bureau will take action when a properly signed report of consultative examination has not been received by following the guidelines specified in the Code of Federal Regulations 20 CFR 404.1519o and 416.919o as amended August 1, 1991.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 840.110 Claimant Evaluation of Consultative Examination Providers

The Bureau will conduct claimant evaluation of consultative examination providers according to the guidelines set forth in POMS DI E39545.450 revised August, 1991.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 840.115 Monitoring Qualifications of Consultative Examination Providers' Support Staff

The physician or psychologist selected to perform a consultative examination may use support staff to help with the examination as described in the Code of Federal Regulations 20 CFR 404.1519g and 416.919g amended August 1, 1991. The Bureau will follow the criteria indicated in POMS DI E39545.425 revised August, 1991, to monitor qualifications of consultative examination providers' support staff.

(Source: Added at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Disability Case Development Process
- 2) Code Citation: 89 Ill. Adm. Code 843
- 3) Section Numbers:

843.10	<u>Proposed Action:</u>
843.20	amendment
843.30	amendment
843.50	amendment
843.60	amendment
843.61	new section
843.70	amendment
843.80	amendment
843.120	amendment
843.121	new section
843.130	amendment
843.150	amendment
843.160	amendment
843.180	amendment
- 4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).
- 5) A Complete Description of the Subjects and Issues Involved: These amendments set forth the Department's policies and procedures for the Bureau of Disability Determination Services for Disability Case Development as set forth in Part 843 to incorporate changes for development of Supplemental Security Income claims for individuals under age eighteen.
- 6) Will proposed amendments replace an emergency rule currently in Effect:
No
- 7) Do these amendments contain an automatic repeal date? Yes ☒ No
If "yes," please specify the date:
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: None
- 11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit date, views, argument

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

or comments about these amendments. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

Susan Warner
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has reviewed these amendments and found that they have no impact on small business.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 843
DISABILITY CASE DEVELOPMENT PROCESS

SUBPART A: INITIAL, RECONSIDERATION, AND REOPENING CASE DEVELOPMENT

Section	
843.10	Definitions
843.11	Incorporation by Reference
843.20	Preliminary Case Action
843.30	Medical Evidence of Record Development
843.40	Consultative Examination Procedure
843.50	Vocational Evidence Development
843.60	Daily Activities Development for Mental Impairment Claims
843.61	Case Development for Supplemental Security Income (SSI) Claimants Under Age Eighteen

SUBPART B: CONTINUING DISABILITY REVIEW (CDR) CASE DEVELOPMENT

Section	
843.70	Contact With Claimants
843.80	Medical Evidence of Record Development
843.90	Conflicts Between the Individual and the Medical Source
843.100	Consultative Examination Procedure
843.110	Vocational Evidence Development
843.120	Cessation Without Full Medical Development (Clear-Cut Cessation)
843.121	Evaluation of Continuing Disability For SSI Childhood Claims

SUBPART C: SPECIAL ISSUES AFFECTING CASE DEVELOPMENT

Section	
843.130	Capability Development
843.140	Claimant Representative Involvement
843.150	Issues Which Necessitate Curtailing Development
843.160	Issues Which Necessitate Reopening a Prior Decision
843.170	Disposition of Trailer Mail
843.180	Processing Out-of-State Court Cases

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (111. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

SOURCE: Adopted at 12 Ill. Reg. 13996, effective August 23, 1988; amended at 13 Ill. Reg. 4298, effective March 15, 1989; amended at 15 Ill. Reg. 8294, effective May 16, 1991; amended at 15 Ill. Reg. _____, effective _____.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: INITIAL, RECONSIDERATION, AND REOPENING CASE DEVELOPMENT
Section 843.10 Definitions

"Activities of daily living for children" means those activities of children that involve continuity of purpose and action, and goal or task orientation; that is, the practical implementation of skills mastered at earlier ages.

"Age-appropriate activities" means the normal activities of a child of any age; that is, what a child is expected to be able to do given his or her age.

"Bureau" means the Bureau of Disability Determination Services.

"Claimant representative" means an attorney or other individual appointed by the claimant to act for him/her in the prosecution of a disability claim, who is qualified pursuant to the definition of "representative" in 89 Ill. Adm. Code 853.10.

"Clear-cut cessation" means a decision to discontinue disability benefits/payments without current medical development (i.e., the acquisition of medical evidence subsequent to the receipt of the case file by the Bureau for the purpose of conducting continuing disability review) when the claimant has returned to full-time work as defined in and meets the criteria as set forth in the Program Operations Manual System DI 28030.035 et seq. as revised-August-1987 amended June 1991.

"Complete medical history" means the records of the claimant's sources covering a time period as specified in the Code of Federal Regulations 20 CFR 404.1512(d)(2) and 416.912(d)(2) as amended August 1, 1991.

"Continuing Disability review" means the periodic reexamination of a case, which is conducted pursuant to 89 Ill. Adm. Code 850 for which an allowance has been processed in order to determine if the claimant continues to be disabled.

"Daily activities development" means the process of obtaining a description of the claimant's customary actions, interests, and interpersonal relationships from medical and/or lay sources who have knowledge of the claimant's living conditions.

"Developmental domain" means a broad area of development including major spheres of physical, cognitive, communication, social, and emotional activity for children from birth to age six.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Developmental milestones" means a child's expected principal developmental achievements at particular points in time.

"Domain" means a broad sphere of physical and mental functioning measured by how well the child can do age-appropriate activities.

"Every reasonable effort" means that the Bureau will make an initial request for evidence from the claimant's medical source and at any time between 10 and 20 calendar days after the initial request if the evidence has not been received the Bureau will make one follow-up request to obtain the medical evidence necessary to make a determination according to the specifications in the Code of Federal Regulations 20 CFR 404.1512(d)(1) and 416.912(d)(1) as amended August 1, 1991.

"Evidence" means any information submitted relative to a claim for disability as described in the Code of Federal Regulations 20 CFR 404.1512 and 416.912 as amended August 1, 1991.

"Functional domain" means a broad area of development including major spheres of physical, cognitive, communication, social, and emotional activity for children from age six to age sixteen.

"Functional equivalence" means the decision that an impairment(s) exists which is of comparable severity to an impairment which would disable an adult based on an assessment of a child's functioning.

"Individualized functional assessment" means the evaluation of functional limitations and abilities in a child to determine whether an impairment(s) exists which would disable an adult.

"Medical evidence of record" means medical information on file for a patient, such as reports of exams, progress notes, and test results, which are obtained from a treating source or source of record as defined in Program Operations Manual System DI 22505.025 003 as amended December-1986 August 1991.

"Medical Information Unit" (MIU) means the unit established by the Bureau to perform various functions involving the consultative examination process and to coordinate all correspondence, communication, and record-keeping between the Bureau and Cook County Hospital and Fantus Clinic of Chicago, Illinois.

"Presumptive disability/blindness decision" means a favorable decision rendered for a Supplemental Security Income (SSI) claim based on the evaluation criteria as set forth in the Program Operations Manual System DI 23535.005, as amended October 1988; such decision permits the claimant to receive payments prior to the formal

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

decision.

"Program Operations Manual System" means the policies and procedures of the Social Security Administration which set forth the objectives and requirements of the disability programs and furnish the standards with which Social Security Administration operating components must comply in the administration of the functions they perform. The Social Security Act is the basis for all standards set forth in the Program Operations Manual System.

"Residual functional capacity" means the ability to function in a work setting despite the limitations imposed by a physical or mental impairment as determined pursuant to Program Operations Manual System DI 24510.001 as amended July 1989 and DI 25001.001 as amended March 1989.

"Sequential evaluation" means the order in which factors regarding impairment severity and work status are considered in the adjudication process, pursuant to 89 Ill. Adm. Code 845.

"Source of record" means a hospital, clinic or other source that has provided the claimant with medical treatment or evaluation but does not have or did not have an ongoing treatment relationship with the claimant as described in the Code of Federal Regulations 20 CFR 404.1502 and 416.902 amended August 1, 1991.

"Trailer mail" means medical evidence and other case-related correspondence received in the Bureau after the claim has been adjudicated and released.

"Treating source" means a medical source currently providing treatment to a claimant for alleged or documented impairments as described in the Code of Federal Regulations 20 CFR 404.1502 and 416.913 as amended August 1, 1991.

"Vocational evidence" means documentation of the claimant's residual functional capacity, age, education, and work experience used when a disability decision based on medical evidence alone cannot be made.

"Work evaluation" means a program conducted at a work evaluation facility, which has an annual service agreement pursuant to 89 Ill. Adm. Code 530, to assess by testing of function and job sampling the claimant's ability to adjust to work pursuant to Program Operations Manual System DI 22515.010 as amended November 1988.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.20 Preliminary Case Action

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) A claimant will provide consent to the Bureau to contact sources who may have evidence to document the claim by signing the Disability Insurance Benefit and/or Supplemental Security Income (SSI) application(s) and a medical release form when filing for benefits/payments. The Bureau will obtain and disclose such evidence following the guidelines governing disclosure set forth in the Program Operations Manual System DI 30510.000 as amended February 1988 and DI 30515.000 et seq. as amended January 1986. The claimant may revoke the consent at any time, but the consent will be valid until final disposition of the disability claim or one year.
- b) To insure the impartiality of the adjudicative team, the Bureau will assign a claim for which an earlier unfavorable determination was rendered, to an adjudicator and medical consultant who did not participate in that decision.
- c) All incoming SSI cases will be reviewed to determine if a presumptive disability/blindness decision can be made following the criteria in the Program Operations Manual System DI 23535.000 et seq. as amended October 1988.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.30 Medical Evidence of Record Development

- a) The Bureau incorporates the standards for obtaining medical evidence of record as set forth in the Code of Federal Regulations 20 CFR 404.1512, 404.1513, 416.912 and 416.913 as amended August 1, 1991 and in the Program Operations Manual System DI 22505.000 et seq. as revised June-1987-except-for-the-provisions-regarding-obtaining-medical-evidence-from-Cook-County-Hospital-and-Fantus-Clinic-of-Chicago;-Illinois August 1991.
- b) The Bureau's Medical Information Unit (MIU) will be responsible for processing all requests for medical evidence of record from Cook County Hospital and Fantus Clinic of Chicago, Illinois.
- c) The Bureau has developed the following policy regarding payment for medical evidence:
 - 1) Only one payment will be proffered per source. Payment rates are established pursuant to provisions set forth in 89 Ill. Adm. Code 545.
 - 2) When a reconsideration claim is filed requiring that the same source be contacted for additional evidence, another payment will be proffered, because a new application at a higher level of appeal is being developed.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) If a contact does not yield medical evidence of record, payment will not be proffered.

- d) The Bureau will handle opinion evidence submitted according to the guidelines set forth in the Code of Federal Regulations 20 CFR 404.1527 and 416.927 as amended August 1, 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.50 Vocational Evidence Development

- a) The Bureau will determine whether complete vocational development is needed for the claim by following the steps of sequential evaluation described in 89 Ill. Adm. Code 845 (Sequential Evaluation Process for the Determination of Disability).
- b) The Bureau incorporates the criteria for vocational evidence development as specified in the Program Operations Manual System DI 22515.000 et seq. as amended November 1988.
- c) If the Bureau cannot assess the residual functional capacity based on medical and vocational evidence as defined by the Program Operations Manual System DI 22505.000 as amended June-1987 August 1991, and DI 22515.000 as amended November 1988, the Bureau will provide the claimant with the following information:
 - 1) The reason that the additional evidence is needed;
 - 2) A description of the work evaluation process;
 - 3) The dates during which the evaluation will occur;
 - 4) Transportation available from the facility or the travel reimbursement policy as set forth in 89 Ill. Adm. Code 840.50(b)(10);
 - 5) Directions to get to the facility and the contact person at the site;
 - 6) Instructions regarding medication, prostheses, and the money necessary for meals that should be taken to the evaluation;
 - 7) Description of the lodging arrangement.
- d) If a claimant fails to participate or cannot be contacted regarding a work evaluation, the Bureau will follow the guidelines for securing claimant cooperation as stated in the Program Operations Manual System DI 22501.030 03 et seq. as amended January-1986 August 1988.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) If a claimant fails to go to the work evaluation for a valid reason as set forth in Program Operations Manual System DI 22510-055(b)--as amended January-1986 22510.017 as revised August, 1991, but is willing to participate, the Bureau will recontact the facility to arrange for the claimant to complete the evaluation.

f) Reimbursement for travel, meals and lodging will be made in accordance with 80 Ill. Adm. Code 2800.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.60 Daily Activities Development for Mental Impairment Claims

a) The Bureau incorporates the guidelines for daily activities in mental impairment claims set forth in the Program Operations Manual System DI 22511.001 - 22511.013 as amended July-2989 August 1988. Mental impairments are defined in 20 CFR 404. Subpart P, Appendix A, 12.00 (1989 1990).

b) The Bureau will prepare a mental residual capacities assessment for cases involving a mental impairment in accordance with the Program Operations Manual System DI 24510.025 and DI 24510.060 - 24510.065, as amended July 1989.

c) If a claimant alleging a mental impairment refuses or fails to comply with a Department request for further development without good and valid reason, as explained in the Program Operations Manual System DI 22501-030-as-amended-January-1986 22501.003 as amended August 1988, the Bureau will obtain assistance through contact with a third party or Social Security Administration field office assistance according to the guidelines in the Program Operations Manual System DI 22501.003 et seq. as amended August 1988 and DI 22505.050 et seq. as amended January-1986 October 1987.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.61 Case Development for Supplemental Security Income (SSI) Claimants Under Age Eighteen

a) The Bureau incorporates the guidelines for conducting individualized functional assessments for SSI claimants under age eighteen as specified in the Code of Federal Regulations 20 CFR 416.924 - 416.924f as amended February 11, 1991.

b) The Bureau will determine functional equivalence for such claims in accordance with the Code of Federal Regulations 20 CFR 416.926a as amended February 11, 1991.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART B: CONTINUING DISABILITY REVIEW (CDR) CASE DEVELOPMENT

Section 843.70 Contact With Claimants

a) If information obtained by the SSA field office during the CDR interview does not meet the requirements contained in the Program Operations Manual System DI 28030.020, as amended June 1987 1991, and DI 28030.030, as amended August-1987 June 1991, the Bureau will directly contact the claimant or his/her representative for the necessary information following the guidelines set forth in the Program Operations Manual System DI 28030.015(A) as amended June 1987.

b) If SSA field office assistance is needed to obtain the desired information, according to the provisions in the Program Operations Manual System DI 28030.015(B) as amended June 1987, the Bureau will request such assistance in accordance with the guidelines set forth in the Program Operations Manual System DI 22505.050 et seq. as amended June October 1987.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.80 Medical Evidence of Record Development

The Bureau will develop medical evidence of record for the CDR claim according to the guidelines cited in Section-843.30 the Code of Federal Regulations 20 CFR 404.1593 and 416.993 as amended August 1, 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.120 Cessation Without Full Medical Development (Clear-Cut Cessation)

The Bureau will determine the need for a cessation of benefits without full medical development for the CDR claim according to the criteria set forth in the Program Operations Manual System DI 28030.035 et seq. as amended January 1986 June 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.121 Evaluation of Continuing Disability for SSI Childhood Claims

The Bureau will determine whether or not a child previously found to be disabled and eligible for SSI payments continues to be disabled according to the criteria set forth in the Code of Federal Regulations 20 CFR 416.994 - 416.994i as amended February 11, 1991.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART C: SPECIAL ISSUES AFFECTING CASE DEVELOPMENT

Section 843.130 Capability Development

The Bureau incorporates the standards for capability development as set forth in the Program Operations Manual System DI 23001.000 et seq. as amended January-1986 March 1989.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.150 Issues Which Necessitate Curtailing Development

a) When the claimant leaves Illinois before a decision on the case has been made, the Bureau will follow the steps specified in the Program Operations Manual System DI 20101.035 et seq. as amended January-1986 October 1987.

b) The Bureau will curtail development and return the case to the SSA field office as directed by the Program Operations Manual System DI 20101.000 et seq. as amended January-1986 October 1987.

c) The Bureau will take action when the claimant fails to cooperate with the Bureau or SSA field office in accordance with the criteria stated in the Program Operations Manual System DI 23010.000 et seq., as amended January-1986 July 1989; PI-22505-020-et-seq.-as-amended-December-1986; PI-22505-021-as-amended-December-1986; PI-22510-025(B) and-(6)-as-amended-April-1987; PI-22510-050-as-amended-January-1986; PI-22510-055-as-amended-January-1986; PI-22505-058-as-amended-October 1987; and-PI-22505-065(B)-as-amended-June-1987 July 1989, DI 22505.012, DI 22510.10(A), DI 22510.018, DI 22510.017 and DI 22505.030 as amended August, 1991.

d) When the claimant withdraws or does not wish to pursue the claim, the Bureau will follow the steps described in the Program Operations Manual System DI 23015.000 et seq. as amended January 1986.

e) When the claimant's whereabouts become unknown during the processing of the claim, the Bureau will take action as described in the Program Operations Manual System DI 23005.000 et seq. as amended January-1986 February 1989.

f) When the claimant dies before completion of the case processing, the Bureau will follow the criteria set forth in the Program Operations Manual System DI 23510.000 et seq. as amended January 1986.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 843.160 Issues Which Necessitate Reopening a Prior Decision

a) Case development for initial and reconsideration claims will be curtailed and a prior decision reopened, when the Bureau finds a basis for such action according to the criteria set forth in the Program Operations Manual System DI 27501.000 and DI 27505.000 et seq. as amended April-1986 July 1989.

b) Prior CDR decisions will be reopened following the criteria stated in the Program Operations Manual System DI 28501.000 et seq. as amended January 1986.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 843.180 Processing Out-of-State Court Cases

With regard to the following class action lawsuits, the Bureau incorporates the specified court-ordered criteria for development of medical and/or vocational evidence:

a) In the case of Boyd, et al. v. Sullivan, POMS DI 32532.000 et seq. revised March, 1990.

b) In the case of Hyatt, et al. v. Sullivan, POMS DI 32548.000 et seq. revised April-1986 January, 1991.

c) In the case of Morrison, Doe and Decker, POMS DI 32551.000 et seq. revised September-1986 August, 1990.

d) In the case of Polaski, et al. v. Rowen, POMS DI 32553.000 et seq. revised December August, 1989.

e) In the case of Samuels, et al. v. Rowen, POMS DI 32555.000 et seq. revised March, 1990.

f) In the case of Sullivan v. Zebley, POMS DI E32597.000 et seq. revised June-1999 July, 1991.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Coin-Operated Amusement Device Tax
- 2) Code Citation: 86 Ill. Adm. Code 460
- 3) Section Numbers:
460.101
460.110
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 481b.1 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Coin-Operated Amusement Device Tax rules to delete out-dated provisions and to make the rules consistent with the Coin-Operated Amusement Device Tax Act as it currently exists.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 7, 1991

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- B) Types of small businesses affected: Any small business that displays a coin-operated amusement device to be played or operated by the public.
- C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures will be required as a result of this rulemaking.
- D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 460
COIN-OPERATED AMUSEMENT DEVICE TAX

Section
460.101
460.105
460.110

Nature and Scope of the Tax
Illustrations of Taxable and Nontaxable Devices
Licenses

AUTHORITY: Implementing the Coin-Operated Amusement Device Tax Act (Ill. Rev. Stat. 1983, ch. 120, par. 481b.1 et seq.) and authorized by Section 39b31 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1983, ch. 127, par. 39b31).

SOURCE: Coin-Operated Amusement Device Tax Act Regulations, adopted July 30, 1953; codified at 8 Ill. Reg. 8607, amended at ____ Ill. Reg. _____, effective _____.

Section 460.101 Nature and Scope of the Tax

- a) The Coin-Operated Amusement Device Tax Act (The Act) imposes an annual privilege tax on the privilege of operating, in this State, every coin-in-the-slot-operated amusement device, which returns to the player thereof no money or property or right to receive money or property. The amount of the tax is ~~\$10.00 per year for each coin-receiving slot~~ \$15 for each device for which a license was issued for a period beginning on or after August 1 of any year and prior to February 1 of the succeeding year. A privilege tax of ~~\$8~~ is imposed on the privilege of operating such a device for which a license was issued for a period beginning on or after February 1 of any year and ending July 31 of that year.
- b) The license tax payable with respect to any amusement device must be remitted to the Department of Revenue with the application for license for such device. The remittance should be made payable to the Department of Revenue
- e) ~~The amount of the fractional year tax shall be computed at a cost of 1/12 of the yearly license tax for each remaining month, or fraction thereof remaining in the license year, plus 10% of such sum as is computed to be due for a fractional year license. The added 10% does not apply to a full year license.~~

(Source: Amended at ____ Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section 460.110 Licenses

a) Applications for Licenses

- 1) Every person, firm or corporation displaying any taxable amusement device to be played or operated by the public at any place owned or leased by such person, firm or corporation shall, before displaying such device, file with the Department of Revenue an application for license for such device. The application must be signed by the taxpayer and sworn to. The applicant should answer all questions and give all the information required on the application form. The application must be made on a form prescribed by the Department.

- 2) The application must be accompanied by the license tax. A separate application must be filed and a separate license obtained for each taxable unit.

b) Who May Be Licensed

The person who is required to apply for the license is the person who displays the taxable device to be played or operated by the public at a place owned or leased by such person, regardless of whether such person is the owner of such device or not. There is no exemption from the taxing and licensing requirements of the Act because of the fact that the operator of the coin-operated amusement device is a not-for-profit organization.

c) Issuance of Licenses--Transferability

- 1) Upon receipt of an application for license in proper form, together with the applicable license tax, the Department will issue the proper license tag to the applicant. The license must be securely affixed to the device for which it is issued and must be conspicuously displayed. A license is transferable from one amusement device to another amusement device operated by the same licensee or from one address to another address of a licensee, provided that the Department is promptly notified of such transfer on a transfer form which the Department will make available on request for this purpose.

- 2) However, no license is transferable from one person to another. For example, a license could not be transferred from one individual to another; from one partnership to another; from one corporation to another; from an individual to a partnership or to a corporation (even though

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the individual is one of the partners or owns the stock in the corporation); from a partnership to an individual or to a corporation (even though one of the partners is the individual or the partners own the stock in the corporation), or from a corporation to a partnership or to an individual, or from a corporation to a partnership or to an individual. Each of these entities (i.e., each individual, each partnership and each corporation) is a different legal person. Similarly, a receiver, trustee in bankruptcy, administrator, executor, conservator or other legal representative appointed by a Court is a different legal person from the person (or the person's estate) to whose assets such legal representative succeeds.

d) Fractional Year Licenses

The license year commences August 1 and ends the following July 31. A license may be issued for not less than one month. All fractional year licenses will end on the ensuing July 31.

e) Revocation of License

The Department is authorized, after notice and a hearing, to revoke any license upon a finding that there has been a violation of the Act.

f) Other Penalties

1) Displaying a taxable amusement device without payment of the proper tax subjects the offender to a monetary penalty of 20 30% of tax payable and also constitutes a misdemeanor for which the offender can be prosecuted.

2) Also, any coin-operated amusement device which is operated in a manner which violates any provision of the Act is subject to seizure and confiscation and forfeiture in accordance with the provisions of the Act.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 480
- 3) Section Numbers: Proposed Action:
480.101 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 481b31 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates Section 480.101 to reference the current rate of tax under the Hotel Operators' Occupation Tax Act.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 9, 1991
- B) Types of small businesses affected: Any small business that falls within the definition of a "hotel". (See 86 Ill. Adm. Code 480.105)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance: None other than the reporting requirements detailed in the Act..
- D) Types of professional skills necessary for compliance: Basic bookkeeping and accounting skills.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 480
HOTEL OPERATORS' OCCUPATION TAX ACT

Section	Nature, Rate and Scope of the Tax
480.101	Definitions
480.105	Registration and Returns
480.110	Books and Records
480.115	Penalties, Interest and Procedures
480.120	Claims to Recover Erroneously Paid Tax
480.125	

AUTHORITY: Implementing The Hotel Operators' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 481b.31 et seq.) and authorized by Section 39b27 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b27).

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at ____ Ill. Reg. _____, effective _____.

Section 480.101 Nature, Rate and Scope of the Tax

a) Nature and Rate of Tax

- 1) The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 5% of 9594% of the gross rental receipts from such renting, leasing or letting, excluding, however, from said gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of such hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least thirty consecutive days).

- 2) There is also imposed an additional tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of such hotel.

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

23) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. (For a more complete definition of "hotel", see Section 480.105 of this Part.)

34) The exclusion for permanent residents means that the tax is imposed on the business of renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, where such renting is done on a transient basis.

45) The tax is an occupation tax whose legal incidence is on the lessor of the rooms. Nevertheless, persons subject to the tax imposed by The Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any locally imposed Hotel Operators' Occupation Tax, imposed pursuant to Section 8-3-13 of the Illinois Municipal Code (Ill. Rev. Stat., 1983, ch. 24, par. 8-3-13).

56) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 56% of total receipts, has been adjusted by the General Assembly so as to be 5% of 99 9/10% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts which are added to rental charges because of the tax.

b) Scope of the Tax--Examples of Taxability and Exemption

1) Since The Hotel Operators' Occupation Tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.

2) Since the tax is limited to the renting of rooms to the "public", a private club which restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from such rooms.

3) The business of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church, charity or school or some other kind of nonprofit organization, and even if the person paying for the

room may be a governmental agency or instrumentality (Federal, State or local, or even a foreign government).

4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church, charity or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for such purposes to persons who are not enrolled with the school in courses of study for credit, such renting is not being done to students, but is being done to the "public", and the school incurs Hotel Operators' Occupation Tax liability on its rental receipts from this activity, if such lessees do not qualify as permanent residents.

5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping accommodations where the lessor is a charitable organization, such as the Y.M.C.A. or the Y.W.C.A., is subject to The Hotel Operators' Occupation Tax.

6) If an operator should make a separate and specific charge for the use of bedding or other facilities furnished in connection with the use of a room as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to The Hotel Operators' Occupation Tax. However, that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to receipts from the selling of tickets to theatre performances or other similar activities, nor to other receipts which are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations. Provided that exemption for such nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of The Hotel Operators' Occupation Tax Act and in Section 480.115 of this Part.

c) How to Compute Applicable Tax Rate or Effective Date of New Tax

1) For the purposes of The Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from such renting, leasing or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

letting, the tax rate in effect as of the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which such deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.

- 2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Numbers: Proposed Action
1070.20 Amendment
1070.40 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 7-100 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 7-100 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking sets forth the revised procedure for filing proof of financial responsibility pursuant to the Illinois Financial Responsibility Law of the Illinois Vehicle Code; permits acceptance of proof of financial responsibility insurance by document submission other than the AAMVA proscribed form. This proposed rulemaking also revises the procedure for required proof for disposition of security deposits held by the Secretary of State pursuant to the Illinois Safety Responsibility Law of the Illinois Vehicle Code, and eliminates the requirement that persons posting security furnish original receipt or affidavit of lost receipt; also revises disposition of security where depositor is in bankruptcy; redefines acceptable documentation.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1070.100	New Section	15 Ill. Reg. 8797 (June 21, 1991)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy G. Easum
Deputy General Counsel
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section
1070.10 Forms of Security
1070.20 Future Proof
1070.30 Installment Agreements
1070.40 Disposition of Security
1070.50 Failure to Satisfy Judgment
1070.60 Release From Liability
1070.70 Incomplete Unsatisfied Judgment
1070.80 Driver's License Restriction for
Exclusive Operation of Commercial Vehicles
1070.90 Dormant and Dead Judgments

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987⁹, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 1070.20 Future Proof

- a) For purposes of this Section, the following definitions shall apply:

"Certificate of ~~Financial Responsibility~~ Insurance" - certificate filed with the Secretary of State's Office as proof that the person has purchased financial responsibility insurance.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" - insurance used to establish proof of financial responsibility as established in Sections 7-315 and 7-316 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987⁹, ch. 95 1/2, pars. 7-315 and 7-316).

"Illinois Insurance Guarantee Fund" - section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

"Lien" - claim on property of another as security for payment of a just debt.

NOTICE OF PROPOSED AMENDMENT(S)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

"Motor Vehicle Liability Policy" - an "owner's policy" or an "operator's policy" of liability insurance which is certified pursuant to Section 7-315 or 7-316, and complies with Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code and which complies with the requirements of Section 7-317(b), (c), (d), and (f) of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

"Proof of Financial Responsibility for the Future" - ability to respond in damages for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987/ Ch. 95 1/2/ par. 7-302).

"Real Estate Bond" - proof filed pursuant to Section 7-320 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

"Secretary of State" - Secretary of State of Illinois.

"Stock" - proportionate share in ownership of corporation held by individual and which is usually represented by a stock certificate.

"Surety" - a person who makes himself/herself liable for another's debts or defaults of obligations.

b) When a person purchases insurance to file proof of financial responsibility for the future, the insurance company will file a certificate of financial responsibility insurance with the Department. The certificate filed shall be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility Form, containing the form which includes the insured's name and address, license number, and birthdate; current policy number and effective date of the insurance policy; and the name of the insurance company and with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of paragraphs 7-315 or 7-316 of the Illinois Financial Responsibility Law of the Illinois Vehicle Code, which is endorsed and certifies policy limits as specified in paragraph 7-302 of this Part. If an owner's rather than operator's policy, it must include the model year, trade name and identification number of the vehicle. The owner's policy must also conform with the amounts specified in Section 7-302 of the Illinois Safety Responsibility Law.

c) The Department shall not accept a certificate of financial responsibility from another state or province of the Dominion of Canada to satisfy provisions of section 7-316 of the Illinois Safety Responsibility Law unless the following conditions are met:

- 1) The Department receives a copy of the certificate of financial responsibility which was completed by the insuring company and accepted by the state of province of Canada notifying the Department;
- 2) The Department receives a letter from the other state or province of Canada acknowledging the state's or province's acceptance of the policy and explaining the status and duration of the policy;
- 3) If the notwithstanding certificate of financial responsibility expires or is cancelled and is not renewed, the Department shall suspend that person's driving privileges;

d) If a person purchases a certificate of financial responsibility insurance to satisfy his/her requirement to file future proof of financial responsibility and the insurance company fails and is no longer in business, and ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guarantee Fund of the non-operation of the insurance company, the person shall have thirty (30) days after notification by the Department to file a new certificate of financial responsibility insurance or satisfy his/her future proof requirement by cash or one of the other alternate methods provided in Section 7-314 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. If a suspension has been entered even though the person has filed future proof of financial responsibility within the thirty (30) day time period, the suspension shall be removed.

fd) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to Section 7-320 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:

- 1) Each surety must own real estate within the State of Illinois.
- 2) Each surety must have equity in that real estate in the amount of the bond.
- 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in Section 7-320 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

ge) If any evidence of proof of financial responsibility for the future filed under the Illinois Safety Responsibility Law falls below the amount required as provided in Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer issues the Secretary of State a receipt. The Treasurer monitors the securities and informs

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENT(S)

the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois, 62723.

When any evidence of proof of ability to respond in damages required to be filed pursuant to the provisions of Article III, Chapter 95 1/2, Section 7-301 no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages including but not limited to an endorsed certificate of insurance meeting the requirements of Section 7-302 of the Illinois Responsibility Law of the Illinois Vehicle Code, bonds, unencumbered real estate bonds, stocks or cash. The person required to post proof shall have thirty (30) days after notification by the Department to post or file additional proof. If the person fails to post proof within thirty (30) days then the Secretary of State shall suspend the driver's license, registration certificate, license plates and registration sticker pending receipt of such proof.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 1070.40 Disposition of Security

a) For purposes of this Section, the following definitions shall apply:

"Affidavit of Lost Receipt" - the form that must be filed utilized when the receipt is lost. It must contain the name and address of the party, the amount of security deposited, the date and location of the accident, and the receipt number and date.

"Claim" - a demand for something rightfully or allegedly due.

"Claimant" - person or persons making claim.

"Default" - failure to make a payment when due.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Discharged in Bankruptcy" - a legal order for release from a debt or debts.

"Installment Agreement" - agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety Responsibility Law.

"Judgment Creditor" - person who is owed money due to a court judgment in his/her favor.

"Proper Notice" - notice provided by, but not limited to any of the following: (1) Petition in Bankruptcy; (2) Notice of Meeting of Creditors; (3) Schedule A-3 of Schedule of Creditors; (4) Trustee Report of No Assets; (5) Discharge of Bankruptcy; (6) Notice of Automatic Stay; (7) Chapter 13 Wage Earner Plan.

"Release" - to give up or surrender a claim.

"Security" - deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety Responsibility Law.

If a person deposits a security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one but not limited to the following: original receipt for the security deposited, affidavit of lost receipt on a form approved by the Department, documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.

A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s), and either the original receipt for the security deposit, or an affidavit of lost receipt on a form supplied by the Department, or

b) If a person deposits a security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one but not limited to the following: original receipt for the security deposited, affidavit of lost receipt on a form approved by the Department, documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.

c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one but not limited to the following: original receipt for the security deposited, affidavit of lost receipt on a form approved by the Department, documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.

d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s), and either the original receipt for the security deposit, or an affidavit of lost receipt on a form supplied by the Department, or

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

other acceptable documents. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.

d) A security deposit shall be released by the Department thirty (30) days after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-214). The depositor shall present the Department with the original receipt for the security of an affidavit of loss receipt. The claimant of his/her authorized representative shall present the Department with a certified copy of a partial or full satisfaction of judgment after payment.

e) A security deposit shall be released by the Department after the Department receives a record of unsatisfied judgment as provided in Section 7-214 of the Illinois Safety Responsibility Law. The depositor shall present the Department with the original receipt for the security of an affidavit of loss receipt. The claimant of his/her authorized representative shall present the Department with a certified copy of a partial or full satisfaction of judgment before payment.

f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety Responsibility Law.

g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, and the original receipt for the security deposit of an affidavit of loss receipt from the person filing the security deposit or an order of exoneration from the Department of Administrative Hearings.

h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable, provided the depositor furnishes the Department with the original receipt for the security deposit of an affidavit of loss receipt.

i) A security deposit shall be refunded if no legal action has been taken within two (2) years after the date of the accident and the Department receives the original receipt for the security deposit of an affidavit of loss receipt and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her knowledge, he/she has not been or is not being sued. To verify this.

the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the security shall not be refunded to the depositor.

j) If a judgment creditor wishes to obtain a security deposit to satisfy a judgment, he/she shall notify the security and financial responsibility section of the Department. The Department shall send a letter to the party who posted the security of his/her authorized representative informing him/her that the security shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within fourteen (14) days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor of his/her authorized representative. Thirty (30) days after the first letter is sent, the Department shall send the judgment creditor of his/her authorized representative another letter explaining either that the security is being released or the means by which the judgment shall be satisfied. Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a full or partial satisfaction of judgment.

k) The Department shall receive the original receipt for the security of an affidavit of loss receipt and documentation representing the satisfaction of judgment or partial satisfaction of judgment before the deposit shall be released. If the security deposit only comprises partial satisfaction of the judgment, the remainder shall be paid by the driver or party posting the deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed.

l) A surety bond shall be terminated if no legal action has been taken within two (2) years after the date of an accident, if the Department

ILLINOIS REGISTER

SECRETARY OF STATE

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF ADOPTED RULE

receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the surety bond shall not be terminated.

- m) If a judgment creditor wishes to obtain a ~~judgment~~ ~~of~~ ~~payment~~ ~~from~~ ~~a~~ ~~surety~~ ~~bond~~ ~~to~~ ~~satisfy~~ ~~a~~ ~~judgment~~, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within fourteen (14) days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. ~~Thirty (30) days after the fifth letter is sent/~~ ~~The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed.~~

(Source: Amended at 15 Ill. Reg. _____, effective _____)

- 1) Heading of Part: Cost Containment Form and Data Reporting Requirements

- 2) Code Citation: 50 Ill. Adm. Code 6602

- 3) Section Number: Adopted Action:

6602.10	New Section
6602.20	New Section
6602.APPENDIX A	New Appendix
6602.APPENDIX B	New Appendix
6602.APPENDIX C	New Appendix
6602.APPENDIX D	New Appendix
6602.APPENDIX E	New Appendix
6602.APPENDIX F	New Appendix
6602.APPENDIX G	New Appendix
6602.APPENDIX H	New Appendix
6602.APPENDIX I	New Appendix
6602.APPENDIX J	New Appendix
6602.APPENDIX K	New Appendix
6602.APPENDIX L	New Appendix
6602.APPENDIX M	New Appendix

- 4) Statutory Authority: Implementing and authorized by Section 1204 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.904).

- 5) Effective Date of rule: October 11, 1991

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: October 8, 1991

- 9) Notice of Proposal Published in Illinois Register:

May 5, 1991, 15 Ill. Reg. 7391

- 10) Has JCAR issued a Statement of Objections to this rule? No

- 11) Difference(s) between proposal and final version:

- a) Section 6602.20(e)(3) - On line two, the language "
even if the amount is zero" has been added following
the word "business".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

- b) Section 6602.20(e)(4) - On line one, the word "of" has been deleted.
- c) Section 6602.20(1) - On the last line a semicolon has been inserted following the word "example" and the comma following the word "policy" has been deleted.
- d) Section 6602.20(m) - On the last line the word "is" has been changed to "are".
- e) Section 6602.20(a)(1) - The word "may" has been changed to "shall".
- f) Section 6602.20(h)(4)(B)(ii) - A semicolon has been inserted following the word "example".
- g) Section 6602.20(i)(2)(D)(xi) - The word "and" has been inserted following "REF".
- h) Section 6602.20(b) - Record Format - Premium (Commercial Auto) - Under the heading of "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- i) Section 6602.20(b) - Record Format - Premium (Personal Auto) Liability - Under the heading "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- j) Section 6602.20(b) - Record Format - Premium (Personal Auto) Physical Damage - Under the heading "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- k) Section 6602.20(b) - Record Format - Premium (Business Owners) - Under the heading of "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- l) Section 6602.20(b) - Record Format - Premium (Homeowners) - Under the heading of "Value", ten lines down, the words "Type of Form" have been changed to "Form Type".
- m) Section 6602.20(b) - Record Format - Loss (Commercial Auto) - Under the heading of "Value", ten lines

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

- down the words "Type of Form" have been changed to "Form Type".
- n) Section 6602.20(b) - Record Format - Loss (Personal Auto) - Under the heading of "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- o) Section 6602.20(b) - Record Format - Loss (Business Owners) - Under the heading of "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- p) Section 6602.20(b) - Record Format - Loss (Homeowners) - Under the heading of "Value", ten lines down the words "Type of Form" have been changed to "Form Type".
- q) Section 6602.20(e)(5)-(6) - Number "5" and "6" have been reversed.
- r) Section 6602.20(f)(5)-(6) - Number "5" and "6" have been reversed.
- s) Section 6602.20(d)-(e) - Under the heading "Exposure Base" the small "n/r" has been capitalized.
- t) Section 6602.20(h) - Under the heading "Exposure Base" the small "n/r" has been capitalized.
- u) Section 6602.20(i) - On the last line a left parenthesis has been added.
- v) Section 6602.20(k) - This Appendix has been reformatted to make it consistent with this Part's other appendices.
- w) Section 6602.20(l) - Under the heading "Exposure Base" the small "n/r" has been capitalized.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

15) Summary and Purpose of rulemaking:

This Part implements the statutory requirement found in Section 1200 of the Illinois Insurance Code (Ill. Rev. Stat. 1990 Supp., ch. 73, par. 1065.900, et seq.).

The purpose of this Part is to establish form and data reporting requirements and to establish the medium for data transmittal to the Department.

16) Information and questions regarding this adopted rule shall be directed to:

Don Wulf
Assistant Deputy Director, Cost Containment Section
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Rule begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER III: INSURANCE COST CONTAINMENT

PART 6602

COST CONTAINMENT FORM AND DATA REPORTING REQUIREMENTS

Section

- 6602.10 Purpose and Scope
- 6602.20 Recording Procedures
- 6602.APPENDIX A GENERAL SUBMISSION GUIDELINES
- 6602.APPENDIX B REPORTING PERIODS, FILE LAYOUTS AND RECORD FORMATS
- 6602.APPENDIX C ANNUAL REPORTING
- 6602.APPENDIX D SEMI-ANNUAL REPORTING
- 6602.APPENDIX E GENERAL CODING CONVENTIONS - PREMIUMS
- 6602.APPENDIX F GENERAL CODING CONVENTIONS - LOSSES
- 6602.APPENDIX G GENERAL LIABILITY CLASS CODES
- 6602.APPENDIX H MEDICAL MALPRACTICE CLASS/CLASS GROUPS
- 6602.APPENDIX I COMMERCIAL AUTOMOBILE LIABILITY CLASS GROUPS - EXCLUDING PERSONAL INJURY PROTECTION (PIPS)
- 6602.APPENDIX J PRIVATE PASSENGER AUTO CLASSIFICATIONS
- 6602.APPENDIX K BUSINESS OWNERS CLASSIFICATIONS
- 6602.APPENDIX L HOMEOWNER CLASSIFICATIONS
- 6602.APPENDIX M SPECIAL CLASSIFICATIONS APPLICABLE TO EXCESS INSURANCE

AUTHORITY: Implementing and authorized by Section 1204 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.904).

SOURCE: Adopted at 15 Ill. Reg. 15438 effective October 11, 1991.

Section 6602.10 Purpose and Scope

The purpose of this Part is to establish form and data reporting requirements for the specific information required to be reported to the Director of Insurance by Section 1204 (A)-(D) of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.904 (A)-(D)) and to establish the medium upon which such information shall be transmitted to the Director. The reporting and medium requirements are contained in Appendices A-M. This Part shall apply to each company licensed to write property or casualty insurance in this State pursuant to Section 4, Class 2 (a)-(i) and Class 3 (b)-(i) of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 616).

Section 6602.20 Recording Procedures

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

a) Scope of Procedure

These procedures are applicable to all direct property and liability business written by insurers licensed by the State of Illinois. Each insurer shall report their business written separately for Illinois and country-wide (including Illinois) for each line, subline or class specified by this Part. Where zip code reporting is required, each line, subline or class shall be reported separately for each zip code. Zip code reporting shall be required for Illinois personal lines business only.

b) Submission of Data

1) Annual reporting of data shall be in accordance with Appendix C.

2) Semi-annual reporting of data shall be in accordance with Appendix D.

3) Companies required to report country-wide data shall be required to report detailed data on a country-wide basis if the insurer is in the 90th percentile of the total country-wide written premium for the business line within which such detailed classifications are found.

c) Methods of Compiling Annual Experience

Experience for each class or type of business required shall be provided for the applicable statistical methods described in Appendix C. The statistical period(s) for reporting each type or class of business shall be specified in the prescribed reporting formats.

1) Accident Year

A comparison of the incurred losses on claims occurring in a given twelve month period with the exposures and premiums earned in that same period.

2) Policy Year

A comparison of the incurred losses occurring under policies having inception dates in a given calendar year with the exposures and premiums on such policies.

3) Calendar Year

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

A comparison of the incurred losses during a given twelve month period with the exposures and premiums earned in the same period.

d) Recording of Statistics

Insurers may use any method for the recording of statistics, including any type of record format convenient to their statistical or accounting procedures, provided that statistics shall be reported by the insurer within the required time using the codes and record format provided in Appendix B and G-M.

e) Preparation and Completion of Reports of Statistics

1) Insurers may report statistics directly, or through an advisory organization. Advisory organizations reporting data for more than one insurer shall report class data separately for each insurer represented.

2) The reports of premiums and the reports of losses and loss adjustment expenses shall be reported in the record formats prescribed in Appendix B.

3) The filing of statistics shall be accompanied by a transmittal letter showing summary totals for each line of business even if the amount is zero and shall be in agreement with the records of the insurer for the period covered. The totals shall also include, by line of business, the amount net of corrections made in the quarter.

4) Prior to submission of statistics, the insurer shall audit the statistics being reported to detect and correct any errors in the assignment of statistical classifications.

5) Prior to requiring any supporting statistical data, the Director shall provide the insurer with a letter giving the details for special reporting. The request letter will be issued to the insurers on or before September 1 of each year. The requested data shall be submitted within 90 days of the receipt of the request.

6) If an insurer finds that it has no data to report please use Appendix B. "Additional comments if necessary for clarification:" to explain that your company has no data to report for this filing.

f) Reinsurance

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Reinsurance statistics shall be reported for direct business only. Therefore, the reports of statistics shall not include premiums received from or losses paid to other insurers because of the reinsurance assumed by the reporting insurers; nor, shall any deductions be made by the reporting insurers for premiums ceded to or for losses recovered from other insurers because of the reinsurance ceded.

g) Correction of Errors

Corrections of errors in the reporting of statistics shall be made by reporting the corrected data in the reporting quarter in which the error corrections are made.

h) Reporting Dates and Amounts

- 1) When reporting dates, use year and reporting quarter format (YYQ).
- 2) When reporting exposure, premium and loss amounts, all values shall be prefaced by a separate field for the sign ("+" = positive and "-" = negative). All numeric fields shall be right justified with leading zeros and contain all zeros if no amount is to be reported.

i) Reporting of Premiums

The premium reported shall be the premium charged for the policies within each classification. The premium for excess limits coverages shall be reported separately. Premium for excess limits is defined as that premium charged for coverage in excess of the primary policy limits added by a different policy. For example, umbrella policy or through an endorsement to the policy. Premiums shall be reported on both a written and earned basis.

j) Reporting of Exposures

The number of written exposures shall be separately reported for each type or class of business required. If any reported exposure base differs from that prescribed by the Director, that exposure base shall be clearly defined.

k) Reporting of Losses

- 1) Separate fields shall be provided for both paid losses and outstanding losses. Where required, fields shall be provided

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

for paid allocated loss adjustment expense and outstanding allocated loss adjustment expense.

- 2) Special requests made by the Director pursuant to Ill. Rev. Stat. 1989, ch. 73, par. 1065.904(D) shall contain detailed instructions for the submission, formatting and due dates of reports.

l) Reporting Excess Losses

Losses covered by an excess policy shall be reported separately in the same manner as is described in subsection (k) of this Section. An excess loss is defined as a loss resulting in an incurred cost to the insurer in excess of the primary policy limits and covered by a different policy or an endorsement to the policy. For example: umbrella policy or by an excess limits endorsement.

m) Definition of Allocated Loss Adjustment Expenses

Allocated loss adjustment expenses for the purpose of this Part represent the expenses of an insurer, in connection with claim settlements, which are directly allocated to a particular claim.

n) Three Year Prepaid Policies

Premiums for three year prepaid policies shall be reported as three separate annual policies.

o) Other Prepaid Policies

The procedure outlined in subsection (n) above applies to other policies not having a one year term with proper recognition of the policy term and using a pro rata allocation formula. In all cases policy periods shall be annual or less.

p) Treatment of Installment Payments

Premiums for policies written on an installment basis shall be reported as though they were prepaid policies.

q) Installment Charge Premium

Additional premium resulting from the application of installment charges shall be reported as premium.

r) Divisible Package Policies

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

Report premiums separately by each classification used in developing the total package premium.

s) Rounding Rule

Rounding shall be accomplished by dropping 1 through 49 cents, and by increasing and decreasing the dollar amount by 1 (depending on whether the amount is positive or negative) for 50 through 99 cents.

Section 6602.APPENDIX A GENERAL SUBMISSION GUIDELINES

a) Data Collection Information

- 1) Data shall be submitted on diskette or magnetic tape.
- 2) Diskettes and/or magnetic tapes shall conform to the recording procedure contained in Section 6602.20. Failure to comply with these specifications shall subject the insurer to those penalties and procedures contained in Section 1204 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.904(e)).

b) Guidelines for Data Collection

Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.

c) Data Format Standards

To simplify aspects of the data collection process, data and file formats for diskettes shall consist of common American Standard Code for Information Inter-Change, hereafter (ASCII) representation. Tape data and file formats shall consist of common Extended Binary Coded Decimal Information Code, hereafter (EBCDIC) representations.

d) File Description and Reporting Requirements

- 1) All amounts must be reported in whole dollars, with no reporting of cents.
- 2) Each line item required to be filed shall be a separate record.

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

- 3) The sign for all amount (numeric) fields shall be carried separately from the number. The sign shall precede the number and shall be represented as positive (+) or negative (-).
- 4) All alpha and alphanumeric fields shall be left-justified. Do not zero-fill blank characters.
- 5) All numeric fields shall be zero-filled and right-justified.
- 6) Fields which are not required for a line shall be zero-filled.
- 7) Rounding Rule - Rounding shall be accomplished by dropping, through 49 cents, and by increasing and decreasing the dollar amount by 1 (depending on whether the amount is positive or negative) for 50 through 99 cents.
- 8) Filing Types - The initial filing is the first filing by an insurer for any of the three filings (February, August and November) for a year. An amended filing is used when any portion of the initial filing was in error. An amended filing must contain all information, not just the data that was in error. A refiling is required when the insurer and/or software produced results that were not acceptable. The refiling must contain all information required by this Part. Refer to File Structures and Naming Conventions in subsection (h) and (i) of this Appendix.
- 9) Records due on February 1, August 1 and November 1, respectively, shall be submitted on separate diskettes/tapes.

e) Diskette Size and Density

- 1) Diskettes submitted to the Illinois Department of Insurance shall be IBM compatible, 5 1/4 inch, dual sided, dual density, soft sectored, floppy diskettes with a recording density of either 360 KB or 1.2 MB high density IBM PC/AT format. The 3 1/2 inch diskettes from an IBM Personal System/2, or compatible, with a recording density of 720 KB or 1.44 MB are also acceptable. Diskette density shall be specified on the external diskette label. Diskettes will not be returned.
- 2) The Department has developed and is making available an edit program for use on all PCs using DOS. To request a copy of this program, contact the Illinois Department of Insurance Cost Containment Section. Insurers shall run their ASCII file data against this edit program prior to submitting the diskette.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

f) Tape Specifications

Data submitted on magnetic tape shall conform to the following specifications: 6250 BPI, standard IBM compatible, record size of 157, block size of 8949, and shall be accompanied with a print-out of tape header information of the first five blocks. Tapes will be returned only if a self-addressed mailer is provided.

g) Insurer Responsibilities

It is the responsibility of the insurer to meet all of the Illinois Department of Insurance guidelines for data submission. The insurer shall be held accountable for continued compatibility and compliance with the requirements of this Part.

h) Diskette File Structures and Naming Conventions

1) Each diskette submitted to the Illinois Department of Insurance shall contain one physical file. Physical files that span multiple diskettes shall be logically continued. A file on one diskette may terminate (end of file mark) at the end of any line item. The records on the physical file on subsequent diskettes shall continue from the records on the physical file of the previous diskette.

2) Records due on February 1, August 1, and November 1, respectively, must be submitted on separate diskettes.

3) A diskette file name shall be made up of two portions, a data name and an extension. The data name references the filing and the extension references the type of filing.

4) The data name of each file on diskette is:

A) February 1 and August 1 filing;

i) IQYVqqnn: where YY is the reporting year,
qq is the reporting quarters (12 or 34),
nn is the physical file sequence number.

ii) Examples Diskette Number 1 - File Name = "IQ901201"
Diskette Number 3 - File Name = "IQ901203"

B) November 1 filing;

i) IAYynnnn: where YY is the reporting year,
nnnn is the physical file sequence number.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

ii) Examples: Diskette Number 1 - File Name = "IA900001"
Diskette Number 3 - File Name = "IA900003"

5) The extension name of each file on diskette is data portion .xxx where xxx is the type of filing. Acceptable extensions are INT for initial filings, AMD for amended filings and REF for refilings. Refer to File Description and Reporting Requirements, subsection (d)(8) of this Appendix. For example, diskette number 1 - "IA900001.INT".

6) Diskettes shall be clearly identified by external labels containing all of the following information:

- A) Company Name
- B) Company NAIC and FEIN Number
- C) Diskette No. ____ of ____ (i.e., Diskette No. 2 of 4)
- D) Diskette Density (i.e., 360 KB or 1.2 MB - 5 1/4 inch)
- E) Filing Date
- F) Diskette Contact Person and Telephone Number
- G) Type (i.e., INT, AMD, REF)
- H) File Name

i) Tape

Records due on February 1, August 1 and November 1, respectively, shall be submitted on separate tapes. A tape file name (DSN - Data Set Name) shall be made up of two qualifiers. The high-level qualifier references the filing and the low-level qualifier references the type of filing.

1) The high-level qualifier name of each file or tape is:

A) February 1 and August 1 filing;

i) IQYVqqnn: where YY is the reporting year,
qq is the reporting quarters (12 or 34),
nn is the physical file sequence number.

ii) Examples Tape number 1 - High Level Qualifier =
"IQ901201"

B) November 1 filing;

i) IAYynnn: where YY is the reporting year,
nn is the physical file sequence number.

ii) Example Tape number 1 - High-Level Qualifier - "IA9001"

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 2) The low-level qualifier naming convention of the single file or tape is:

A) High-level qualifier .xxx where xxx is the type of filing

B) Acceptable low-level qualifiers are INT for initial filings, AMD for amended filings and REF for refilings. Refer to File Descriptions and Reporting Requirements, subsection (d)(8) of this Appendix.

C) Example Tape number 1 - "IA9001.INT"

D) Tapes shall be clearly identified by external labels containing all of the following information:

- i) Company Name
- ii) Company NAIC and FEIN Number
- iii) Tape Volsr #
- iv) Filing Date
- v) Tape Contact Person and Telephone Number
- vi) Type (i.e., INT, REF, and AMD)
- vii) File Name

j) Mailing Requirements

- 1) The diskettes/tapes submissions shall include a completed diskette/tape transmittal form and certification.
- 2) The diskette(s)/tape(s) shall be enclosed in rigid protective packaging that will prevent bending and other destructive exposures.
- 3) The outer package shall be clearly labeled to indicate computer diskettes or tapes are enclosed.
- 4) Address submission to:

Illinois Department of Insurance
Cost Containment Section
SB1200 Data Unit
320 West Washington
Springfield, Illinois 62767

k) Diskette/Tape Transmittal Format and Certification

Name of Insurer _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

IL Co. # _____ Date ____/____/____ FEIN ____-____-____
NAIC Group # _____ NAIC Company # _____

This format is required for all transmittals, be sure to respond to all questions below and to provide all required information. Any additional comments that may help to identify the diskette/data contents should be supplied.

- | | | | |
|--------------------------------------|-------|-------|-------|
| 1. Is this the initial filing? (Y/N) | Feb. | Aug. | Nov. |
| 2. Is this a refiling? (Y/N) | _____ | _____ | _____ |
| 2a. If yes, complete Section B. | _____ | _____ | _____ |
| 3. Is this an amended filing? (Y/N) | _____ | _____ | _____ |
| 3a. If yes, complete Section B. | _____ | _____ | _____ |

Date(s) of filing(s) to be replaced: _____

Additional comments if necessary for clarification: _____

Diskette/Tape Contact: _____

Phone: _____

Address: _____

Attach a copy of this external label of the diskette(s)/tape to the back of this form.

The undersigned hereby certifies that, to the best of my knowledge, this submission was prepared in compliance with the Illinois Department of Insurance specifications.

(Signed) _____

Type Name and Title _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Section 6602.APPENDIX B REPORTING PERIODS, FILE LAYOUTS AND RECORD FORMATS

Reporting Line/Period	Cal. Yr. Prem.	Cal. Yr. Loss	Policy Yr. Prem.	Policy Yr. Loss	Acc. Yr. Loss	Ill.	Co. Wide
Qtrly. G.L. Rptng.	X					X	
Qtrly. Med. Mal.	X					X	
Qtrly. Comm. Auto	X					X	
Qtrly. H.O.	X					X	
Qtrly. P.P. Auto	X					X	
Annual G.L. Rptng.			X	X		X	X
Annual Med. Mal.			X	X		X	X
Annual Comm. Auto	X				X	X	X
Annual B.O. Rptng.	X				X	X	X
Annual P. P. Auto	X	X ³			X ⁴	X	X
Ann. Ex. Ins. Rptng.	X ¹		X ²	X ²	X ¹	X	X
Annual H.O. Opt. 1	X	X				X	X
Annual H.O. Opt. 2	X				X	X	X
Zip Code (Where Required. See Line/Item Matrix.)	X					X	

- 1 personal and commercial auto lines excess or umbrellas
 2 general liability lines excess or umbrellas
 3 private passenger auto - physical damage
 4 private passenger auto - liability

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Line/Item Matrix

Premium	Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
1. NAIC #		5 A/N	yes	yes	yes	yes	yes	yes	yes
2. NAIC Group		3 A/N	yes	yes	yes	yes	yes	yes	yes
3. FEIN		9 A/N	yes	yes	yes	yes	yes	yes	yes
4. Filing Method		1 A/N	yes	yes	yes	yes	yes	yes	yes
5. Prem./Loss Indicator		1 A/N	yes	yes	yes	yes	yes	yes	yes
6. Accounting Date		3 A/N	yes	yes	yes	yes	yes	yes	yes
7. Experience Method		1 A/N	yes	yes	yes	yes	yes	yes	yes
8. State/Company-wide		2 A/N	yes	yes	yes	yes	yes	yes	yes
9. Line of Business		1 A/N	yes	yes	yes	yes	yes	yes	yes
10. Form Type		1 A/N	yes	yes	yes	yes	yes	yes	yes
11. Class		6 A/N	yes	yes	yes	yes	yes	yes	yes
12. Zip Code		5 N	no	no	no	yes	yes	no	no
13. Stat. Data Year		2 N	yes	yes	yes	yes	yes	yes	yes
14a. Exposure Sign		1 Sign	yes	yes	yes	yes	yes	no	no
14b. Written Exposure		12 N	yes	yes	yes	yes	yes	no	no

Line/Item Matrix										
Premium										
Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.	Line/Item Matrix	
15a. W. Premium Sign	1 Sign	yes	yes	yes	no	yes	yes	yes	21b. UM Written Premium	12 N
15b. Written Premium	12 N	yes	yes	yes	no	yes	yes	yes	22a. UM Earned Prem. Sign	1 Sign
16a. E. Premium Sign	1 Sign	yes	yes	yes	no	yes	yes	yes	22b. UM Earned Premium	12 N
16b. Earned Premium	12 N	yes	yes	yes	no	yes	yes	yes	<p>* Note: Medical payments premium shall be included with the BI premiums reported. Single limit policies shall have all premiums reported in the BI premium element. UM premium shall be split when possible, however, for a period not to exceed three (3) years from the effective date of this Part, advisory organizations reporting on behalf of insurance companies may report UM premium as a separate record using only the line of business indicator and as an aggregate for the whole of the State of Illinois.</p> <p>A = Alphabetic N = Numeric 1 = Liability Only</p>	
17a. BI or Comp. W. Premium Sign	1 Sign	no	no	no	yes	no	no	no		
17b. BI or Comp. Written Prem.	12 N	no	no	no	yes*	no	no	no		
18a. BI or Comp. Prem. Sign	1 Sign	no	no	no	yes	no	no	no		
18b. BI or Comp. Earned Prem.	12 N	no	no	no	yes*	no	no	no		
19a. PD or Coll. W. Prem. Sign	1 Sign	no	no	no	yes	no	no	no		
19b. PD or Coll. Written Prem.	12 N	no	no	no	yes	no	no	no		
20a. PD or Coll. Prem. Sign	1 Sign	no	no	no	yes	no	no	no		
20b. PD or Coll. Earned Prem.	12 N	no	no	no	yes	no	no	no		
21a. UM W. Prem. Sign	1 Sign	no	no	no	yes ¹	no	no	no		

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

Line/Item Matrix

Loss

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
1. NAIC #	5 A/N	yes	yes	yes	yes	yes	yes	yes
2. NAIC Group	3 A/N	yes	yes	yes	yes	yes	yes	yes
3. FEIN	9 A/N	yes	yes	yes	yes	yes	yes	yes
4. Filing Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
5. Prem./Loss Indicator	1 A/N	yes	yes	yes	yes	yes	yes	yes
6. Accounting Date	3 A/N	yes	yes	yes	yes	yes	yes	yes
7. Experience Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
8. State/Company-wide	2 A/N	yes	yes	yes	yes	yes	yes	yes
9. Line of Business	1 A/N	yes	yes	yes	yes	yes	yes	yes
10. Form Type	1 A/N	yes	yes	yes	yes	yes	yes	yes
11. Class	6 A/N	yes	yes	yes	yes	yes	yes	yes
12. Stat. Data Year	2 N	yes	yes	yes	yes	yes	yes	yes
13. Type of Loss	1 A/N	no	no	yes	yes	no	no	no
14a. Paid Loss Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

Line/Item Matrix

Loss

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
14b. Paid Loss Amount	12 N	yes	yes	yes*	yes*	yes	yes*	yes*
15a. O/S Loss Sign	1 Sign	yes	yes	yes ²	yes ²	yes	yes	yes
15b. Outstanding Loss	12 N	yes	yes	yes*	yes*	yes	yes*	yes*
16a. Paid Allocated Loss Expense Sign	1 Sign	yes	yes	yes ³	yes ³	no	yes	yes
16b. Paid Allocated Loss Expense Amount	12 N	yes	yes	yes ³	yes ³	no	yes	yes
17a. O/S Allocated Loss Expense Sign	1 Sign	yes	yes	yes ³	yes ³	no	yes	yes
17b. O/S Allocated Loss Expense Amount	12 N	yes	yes	yes ³	yes ³	no	yes	yes
18a. Paid # Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes
18b. Paid #	8 N	yes	yes	yes	yes	yes	yes	yes
19a. O/S # Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes
19b. O/S #	8 N	yes	yes	yes	yes	yes	yes	yes
20. Filler	51 A/N	no	no	no	no	no	no	no

* For these lines (commercial auto, private passenger auto, excess insurance and business owners) allocated loss adjustment expense shall be included in paid and outstanding losses.

2 = Beginning 01/01/93

3 = Liability Only

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Record Format - Premium (General Liability)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic X(1)	Written Premium
67	Pic X(1)	Earned Premium
68-79	Pic 9(12)	N/A (Zero-fill)
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic X(1)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Medical Malpractice)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date

23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Commercial Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Personal Auto) Liability

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Zip Code
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	N/A (Zero-fill)
55-66	Pic 9(12)	N/A (Zero-fill)
67	Pic X(1)	N/A (Zero-fill)
68-79	Pic 9(12)	N/A (Zero-fill)
80	Pic X(1)	Sign Field
81-92	Pic 9(12)	*BI Written Premium
93	Pic X(1)	Sign Field
94-105	Pic 9(12)	*BI Earned Premium
106	Pic X(1)	Sign Field
107-118	Pic 9(12)	PD Written Premium
119	Pic X(1)	Sign Field
120-131	Pic 9(12)	PD Earned Premium

132	Pic X(1)	Sign Field
133-144	Pic 9(12)	*UM Written Premium
145	Pic X(1)	Sign Field
146-157	Pic 9(12)	*UM Earned Premium

* Note: Medical payments premium shall be included with the BI premiums reported. Single limit policies shall have all premium reported in the BI premium element. UM premium should be split when possible, however, for a period not to exceed three (3) years from the effective date of this Part, advisory organizations reporting on behalf of insurance companies may report UM premium as a separate record using only the line of business indicator and as an aggregate for the whole of the State of Illinois.

Record Format - Premium (Personal Auto) Physical Damage

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Zip Code
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	N/A (Zero-fill)
55-66	Pic 9(12)	N/A (Zero-fill)
67	Pic X(1)	N/A (Zero-fill)
68-79	Pic 9(12)	N/A (Zero-fill)
80	Pic X(1)	Sign Field
81-92	Pic 9(12)	Comp. Written Premium
93	Pic X(1)	Sign Field
94-105	Pic 9(12)	Comp. Earned Premium
106	Pic X(1)	Sign Field
107-118	Pic 9(12)	Coll. Written Premium
119	Pic X(1)	Sign Field
120-131	Pic 9(12)	Coll. Earned Premium
132	Pic X(1)	N/A (Zero-Fill)
133-144	Pic 9(12)	N/A (Zero-Fill)
145	Pic X(1)	N/A (Zero-Fill)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

146-157 Pic 9(12) N/A (Zero-Fill)

Record Format - Premium (Business Owners)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Statistical Data Year
39-40	Pic 9(2)	N/A (Zero-fill)
41	Pic X(1)	N/A (Zero-fill)
42-53	Pic 9(12)	Sign Field
54	Pic X(1)	Written Premium
55-66	Pic 9(12)	Earned Premium
67	Pic X(1)	Sign Field
68-79	Pic X(1)	Sign Field
80	Pic X(1)	Sign Field
81-92	Pic X(1)	Sign Field
93	Pic X(1)	Sign Field
94-105	Pic X(1)	Sign Field
106	Pic X(1)	Sign Field
107-118	Pic X(1)	Sign Field
119	Pic X(1)	Sign Field
120-131	Pic X(1)	Sign Field
132	Pic X(1)	Sign Field
133-144	Pic X(1)	Sign Field
145	Pic X(1)	Sign Field
146-157	Pic X(1)	Sign Field

Record Format - Premium (Homeowners)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Zip Code
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Excess Insurance)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	N/A (Zero-fill)
42-53	Pic 9(12)	N/A (Zero-fill)
54	Pic X(1)	Sign Field

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Column #	Picture Clause	Value
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Loss (General Liability)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

Record Format - Loss (Medical Malpractice)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year

Record Format - Loss (Commercial Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

36	Pic X(1)	Type of Loss
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

* Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

Record Format - Loss (Personal Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	Type of Loss
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

107-157	Pic X(51)	N/A (Zero-fill)
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* Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

Record Format - Loss (Business Owners)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

Record Format - Loss (Homeowners)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method

24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	Outstanding Loss
63	Pic X(1)	N/A (Zero-fill)
64-75	Pic 9(12)	N/A (Zero-fill)
76	Pic X(1)	N/A (Zero-fill)
77-88	Pic 9(12)	N/A (Zero-fill)
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

RECORD FORMAT - Loss (Excess Insurance)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

* Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

6602.APPENDIX C ANNUAL REPORTING

- a) Each report shall include a first report for the latest experience year and where applicable an update for all previous experience years. The latest experience year for each experience method is defined as follows:

Experience Method	Latest Experience Year
1) Policy Year	Current reporting year minus three
2) Accident Year	Current reporting year minus two
3) Calendar Year	Current reporting year minus one

- b) Annual reports shall be due on or before November 1 of each year. These reports shall include:

Experience Method

Line	Premiums	Losses
1) General Liability	Policy Year	Policy Year
2) Excess Insurance	Policy Year	Policy Year
3) Medical Malpractice	Policy Year	Policy Year
4) Commercial Auto Liability (Voluntary Business Only)	Calendar Year	Accident Year
5) Excess Insurance	Calendar Year	Accident Year
6) Private Passenger Auto Liability (Voluntary Business Only)	Calendar Year	Accident Year
7) Business Owner Policies (Voluntary Business Only)	Calendar Year	Accident Year
8) Homeowners (Including Residential Fire)	Calendar Year	Calendar or Accident Year
9) Private Passenger Auto Physical Damage (Voluntary Business Only)	Calendar Year	Calendar Year

6602.APPENDIX D SEMI-ANNUAL REPORTING

Semi-annual reports shall be due on or before February 1st and August 1st of each year. These reports shall include:

Experience Method

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Line

- | | |
|-------------------------------------|---------------|
| 1) General Liability | Premiums Only |
| 2) Medical Malpractice | Calendar Year |
| 3) Commercial Auto Liability | Calendar Year |
| 4) Private Passenger Auto Liability | Calendar Year |
| and Physical Damage | Calendar Year |
| 5) Homeowners | Calendar Year |

- a) The February 1st report shall include the first quarter and second quarter of the latest experience year and shall report each of these quarters separate from the other. The August 1st report shall include the third quarter and fourth quarter of the latest experience year and shall report each of these quarters separate from the other. (For "latest experience year" see Appendix C, subsection a.)
- b) The semi-annual reports shall include data relating only to Illinois businesses and shall include both premium and exposure information.
- c) Occurrence forms and claims-made forms data shall be reported separately.
- d) Data is required on an aggregate classification basis by each individual insurer. For purposes of this Part, each insurer shall maintain supporting statistical data for a minimum of five years from the date the report is filed with the Department in compliance with this Part.

Section 6602.APPENDIX E GENERAL CODING CONVENTIONS - PREMIUMS

Coding Conventions - Field Names and DefinitionsPremium - General Provisions

- a) NAIC Number - The NAIC number field is a five character alphanumeric field. It reflects the number assigned the insurer by the National Association of Insurance Commissioners (NAIC) hereafter.
- b) NAIC Group Number - The NAIC group number field is a three character alphanumeric field. It reflects the number assigned the insurers group by the NAIC.
- c) FEIN Number - The FEIN field is a nine character alphanumeric field. It reflects the Federal Employer Identification Number assigned to the insurer (report at users option - this number will be required when adopted by the NAIC).

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- d) Filing Method - The filing method field is a one character alphanumeric field. It identifies the source of the data as either an advisory organization or an insurance company.
- 1) "1" = American Association of Insurance Services, hereafter (AAIS)
 - 2) "2" = Insurance Services Office, Inc., hereafter (ISO)
 - 3) "3" = National Association of Independent Insurers, hereafter (NAII)
 - 4) "4" = National Independent Statistical Service, hereafter (NISS)
 - 5) "5" = Company Direct
- e) Premium/Loss Indicator - This is a one character alphanumeric field. It identifies the record as either a premium record or a loss record.
- 1) "P" = Premium
 - 2) "L" = Loss
- f) Accounting Date - The Accounting Date is a three character alphanumeric field. The first two digits reflect the last two digits of the reporting year and the last digit reflects the reporting quarter (Format YYQ).
- 1) "1" = First Quarter
 - 2) "2" = Second Quarter
 - 3) "3" = Third Quarter
 - 4) "4" = Fourth Quarter
 - 5) "5" = Annual
- g) Experience Method - This is a one character alphanumeric field. It designates the experience method for the date reported.
- 1) "C" = Calendar Year
 - 2) "P" = Policy Year
- h) State Identifier - This is a two character alphanumeric field. It distinguishes Illinois-only data from country-wide data (country-wide data includes Illinois data).
- 1) "12" = Illinois
 - 2) "99" = Country-Wide (Including Illinois)
- i) Line of Business - The Line of Business is a one character alphanumeric field. The code identifies the general business line to which the classification belongs and is used in the transmittal

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

letter referenced in subsection 6602.20 (e)(3) of this Part for summary totals.

- 1) "1" = General Liability/Excess Insurance
- 2) "2" = Medical Malpractice
- 3) "3" = Commercial Auto/Excess Insurance
- 4) "4" = Private Passenger Auto - Liability
- 5) "5" = Homeowners
- 6) "6" = Business Owners Policy (Indivisible Packages Only)
- 7) "7" = Private Passenger Auto - Physical Damage

j) Form Type - There are three different record types:

- 1) "C" = Claims-Made
- 2) "X" = Occurrence
- 3) "T" = Claims-Made Tail Coverage

k) Classification Code - The classification code is a six character alphanumeric field. The codes to be used are specified by the classifications provided. (See Appendices G through M for specific class codes.)

l) Zip Code - The Zip Code is a five character numeric field. Zip code filing shall be required for private passenger auto and homeowners (including residential fire) only. Zip Code identification is required only on quarterly premium filing.

m) Statistical Data Year - The statistical data year is a two character alphanumeric field. It reflects the last two digits of the experience year (Format YY).

n) Premium/Exposure Amounts and Signs

- 1) Sign Field - This sign field shall contain the sign and shall precede the 12 digit amount field. It is represented as positive (+) or negative (-).
- 2) Premiums and Exposures - The Exposure and Premium field shall contain a twelve (12) character numeric amount and shall be zero-filled, right-justified. The number shall not contain a decimal point or commas.
- o) 1) Sign Field - See subsection (n)(1) above.

2) Written Exposure - See 14(b) above. (See Appendices A, B, G, H, I, and K for exposure base class codes.)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

p) 1) Sign Field - See subsection (n)(1) above.

2) Written Premium - See subsection (n)(2) above.

(Breakdown of written premium where needed will be specified in the data formats and will be unique within line of business.)

q) 1) Sign Field - See subsection (n)(1) above.

2) Earned Premium - See subsection (n)(2) above.

(Breakdown of earned premium where needed will be specified in the data formats and will be unique within line of business.)

Section 6602.APPENDIX F GENERAL CODING CONVENTIONS - LOSSES

Coding Conventions - Field Names and DefinitionsLosses - General Provisions

a) NAIC Number - The NAIC number field is a five character alphanumeric field. It reflects the number assigned the insurer by the National Association of Insurance Commissioners (NAIC) hereafter.

b) NAIC Group Number - The NAIC group number field is a three character alphanumeric field. It reflects the number assigned to the insurers group by the NAIC.

c) FEIN Number - The FEIN field is a nine character alphanumeric field. It reflects the Federal Employer Identification Number assigned to the insurer (report at users option - this number will be required when adopted by the NAIC).

d) Filing Method - The filing method field is a one character alphanumeric field. It identifies the submission source of the data and indicates that source as being either an advisory organization or an insurance company.

- 1) "1" = (NAIS)
- 2) "2" = (ISO)
- 3) "3" = (NAII)
- 4) "4" = (NISS)
- 5) "5" = Company Direct

e) Premium/Loss Indicator - This is a one character alphanumeric field. It identifies the record as either a premium record or a loss record.

- 1) "P" = Premium
- 2) "L" = Loss

f) Accounting Date - The accounting date is a three character alphanumeric field. The first two (2) digits reflect the last two digits of the reporting year and the last digit reflects the reporting quarter (Format YYQ).

- 1) "1" = First Quarter
- 2) "2" = Second Quarter
- 3) "3" = Third Quarter
- 4) "4" = Fourth Quarter
- 5) "5" = Annual

g) Experience Method - This is a one character alphanumeric field. It designates the experience method for the data reported.

- 1) "A" = Calendar/Accident Year
- 2) "C" = Calendar Year
- 3) "P" = Policy Year

h) State Identifier - This is a two character alphanumeric field. It distinguishes Illinois-only data from country-wide data (country-wide data includes Illinois data).

- 1) "12" = Illinois
- 2) "99" = Country-Wide (Including Illinois)

i) Line of Business - The line of business is a one character alphanumeric field. The code identifies the general business line to which the classification belongs and is used in the transmittal letter required by Section 6602.20 (e)(3) of this Part for summary totals.

- 1) "1" = General Liability/Excess Insurance
- 2) "2" = Medical Malpractice
- 3) "3" = Commercial Auto/Excess Insurance
- 4) "4" = Private Passenger Auto - Liability
- 5) "5" = Homeowners
- 6) "6" = Business Owners Policy
- 7) "7" = Private Passenger Auto - Physical Damage

j) Form Type - There are three different record types:

- 1) "C" = Claims-Made
- 2) "X" = Occurrence
- 3) "T" = Claims-Made Tail Coverage

k) Classification Code - The classification code is a six character alphanumeric field. The codes to be used are specified by the classifications provided. (See Appendices G through M for specific class codes.)

l) Statistical Data Year - The statistical data year is a two character alphanumeric field. It reflects the last two digits of the experience year (Format YY).

m) Type of Loss - The type of loss is a one character alphanumeric field. (This field is used for private passenger auto and commercial auto lines only.)

- 1) "1" = Bodily Injury
- 2) "2" = Property Damage
- 3) "3" = Medical Payments
- 4) "4" = Uninsured/Underinsured Motorist (UM/UIM)
- 5) "5" = Comprehensive
- 6) "6" = Collision
- 7) "9" = All Others

n) Loss Amounts and Signs

1) Each amount field shall be preceded by a one (1) character sign field. It is represented as positive (+) or negative (-).

2) Each amount field shall contain a numeric entry of 12 characters which shall be right-justified and zero-filled. The number shall not contain a decimal point or commas. Please refer to the following example: (\$82,539) is equal to -000000082539 and \$82,539 is equal to +000000082539. Report the amount of loss rounded to the nearest whole dollar.

o) Paid Losses

1) Sign Field - See subsection (n)(1) above.

2) Paid loss amount - Report this amount rounded to the nearest whole dollar amount.

p) Outstanding Losses

1) Sign Field - See subsection (n)(1) above.

2) Outstanding loss amount - Report this amount rounded to the nearest whole dollar.

- g) Allocated Loss Adjustment Expense
- 1) Sign Field - See subsection (n)(1) above.
 - 2) Paid - Paid allocated loss adjustment expenses.
 - 3) Sign Field - See subsection (n)(1) above.
 - 4) Outstanding - Outstanding allocated loss adjustment expenses.

f) Claim Counts

- 1) Each claim count field shall be preceded by a one character sign field. It is represented as positive (+) or negative (-).
- 2) Paid Claims - The paid claim count field is an eight character alphanumeric field. Paid claims are defined as only those claims which have had a loss payment made or have a loss reserve established.

i) A claim partly paid and partly outstanding shall be carried in either the paid claim or outstanding claim count but, shall be counted only once.

ii) A case involving loss payments or loss reserves under more than one differently coded classification shall have a claim count for each such classification.

iii) A claim in which more than one payment is made shall be counted only once.

- 3) Outstanding Claims - The outstanding claim count field is an eight character alphanumeric field. Outstanding claims are defined as only those claims which have had a loss payment made or have a loss reserve established. A claim partly paid and partly outstanding shall be carried in either the outstanding claim or paid claim count but, must be counted only once.

Section 6602.APPENDIX G GENERAL LIABILITY CLASS CODES

GOVERNMENTAL SUBDIVISIONS - NOT STATE OR FEDERAL
Municipalities (including boroughs, cities, towns, townships, etc.)

Class Code	Population		Exposure Base
	Old	New	
91250	44100	Under 2,500	Total Operating Expenditures
91251	44101	2,501 - 10,000	Total Operating Expenditures
91252	44102	10,001 - 25,000	Total Operating Expenditures
91253	44103	25,001 - 50,000	Total Operating Expenditures

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

91254	44104	50,001 - 100,000	Total Operating Expenditures
91255	44105	100,001 - 250,000	Total Operating Expenditures
91256	44106	Over 250,000	Total Operating Expenditures
91263	Included	Personal Injury Coverage	No Exposure

Counties or Parishes

91257	44108	Under 10,000	Total Operating Expenditures
91258	44109	10,001 - 25,000	Total Operating Expenditures
91259	44110	25,001 - 50,000	Total Operating Expenditures
91260	44111	50,001 - 100,000	Total Operating Expenditures
91261	44112	100,001 - 250,000	Total Operating Expenditures
91262	44113	Over 250,000	Total Operating Expenditures
91263	Included	Personal Injury Coverage	No Exposure

"Total Operating Expenditures" are defined as total expenditures including grants, entitlements and shared revenue without regard to source of revenue during the policy period, including accounts payable and excluding:

- a) Capital improvements
- b) Expenditures for independent contractors operations
- c) Welfare benefits (not administrative costs)
- d) Expenditures on the following which are separately classified and rated:

- 1) Amusement parks
- 2) Exhibition or convention buildings (including arenas and auditoriums)
- 3) Dams, levees or dikes - existence hazard
- 4) Golf courses
- 5) Housing projects - for example, urban development and public housing
- 6) Lakes or reservoirs - existence hazard
- 7) Medical care facilities - for example, hospitals, clinics and sanitariums
- 8) Penal institutions, jails - for example, correctional institutions
- 9) Schools or colleges
- 10) Ski facilities
- 11) Stadiums, bleachers or grandstands with total seating capacity in excess of 5,000
- 12) Streets, roads, highways or bridges - existence hazard only for "old" and existence and maintenance hazard for "new"
- 13) Street, road, highway or bridge construction

- 14) Transportation systems, facilities and services including airports, bus systems or other transit facilities such as subways and aircraft
- 15) Utilities - electric, gas, water, steam
- 16) Wharves, piers, docks, marinas and watercraft
- 17) Zoos

OTHER GOVERNMENTAL SUBDIVISION CLASSES (a)

- a) The data reported for these classes reflect primarily governmental exposure.
- b) Separately rated classes for Governmental Subdivisions.

Class Code	Description	Exposure Base	
		Old	New
93050	Governmental Composite Rated Risks		No Exposure
93151 (b)	Streets, Roads or Highways - with or without sidewalks - including bridges and culverts but excluding toll bridges and drawbridges - existence hazard only		Number of Miles

48727 (b) Streets, Roads, Highways or Bridges - existence and maintenance hazard only

SEPARATELY RATED CLASSES FOR GOVERNMENTAL SUBDIVISIONS
Governmental or Private (*)

*Note: To varying degrees, the data reported for these classes reflect both governmental and private exposures.

Class Code	Description	Exposure Base	
		Old	New
45836	AIRPORTS Airports - commercial		Number of Airports
40010	Airports - commercial		Number of Airports

EXHIBITS OR CONVENTION BUILDINGS

79435	Exhibition or convention buildings or armories - area	Square Feet
79436	Exhibition or convention buildings or armories - receipts	Receipts
	(Code 79436 also includes "Schools-stadiums or outdoor grandstands or bleachers")	Receipts
63212	Exhibition or convention buildings (includes arenas and auditoriums)	Square Feet
	<u>GOLF COURSES</u>	
79420	Golf courses - municipal or public	Receipts
44070	Golf courses - municipal or public	Gross Sales
Class Code	Description	Exposure Base
Old	New	

HOUSING PROJECTS

93181	Housing projects owned and constructed for the Public Housing Administration (P.H.A.) or similar federal authority (Apartment Houses - not 3 or 4 family dwellings)	Square Feet
93182	Housing projects owned by and constructed for the P.H.A. (4 family dwellings)	Number of Dwellings
93183	Housing projects owned by and constructed for the P.H.A. (3 family dwellings)	Number of Dwellings
93184	Housing projects owned by and constructed for the P.H.A. (2 family dwellings)	Number of Dwellings

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

Class Code	Description	Number of Residences	Number of Units	Exposure Base
93185	Housing projects owned by and constructed for the P.H.A. (private residences)			
64500	Housing projects - federal, state, local			
Class Code	Description	Square Feet	Square Feet	Exposure Base
93190	Penal Institutions - including completed operation			
46700	Penal Institutions			
Class Code	Description	Payroll	Payroll	Exposure Base
49411	Waterworks - including outside salesmen, collectors and meter readers - including completed operations			
99943	Water companies including products and/or completed operations			
Class Code	Description	No Exposure	No Exposure	Exposure Base
86414	Parks or Playgrounds - not otherwise classified			
46671	Parks and Playgrounds			

Class Code	Description	Number of Pupils	Number of Pupils	Exposure Base
82113	Schools - high or junior colleges - public - not otherwise classified			
93221	Schools - public - high			
47473	Schools - elementary, kindergarten, junior high - public			
47471	Schools - public - elementary, kindergarten, junior high			
82111	Schools - parochial or private			
47470	Schools - private - elementary, kindergarten, or junior high			
47472	Schools - private - high			
82420(*)	Schools - manual training, trade, vocational - public or private			
47474(*)	Schools - trade or vocational			
82216(*)	Schools - not otherwise classified			
67507(*)	Schools - not otherwise classified			
Class Code	Description	Square Feet	Square Feet	Exposure Base
82115	Day Nurseries			

DAY CARE CENTERS

41714	Day Care Centers		Number of Persons	
	Class Code	Description	Exposure Base	
	<u>Old</u>	<u>New</u>	<u>Old</u>	<u>New</u>
<u>LIQUOR LIABILITY</u>				
70412	70412	Clubs	Gross Receipts	Receipts
59211	59211	Package Stores and Other Retail Establishments	Gross Receipts	Receipts
50911	50911	Manufacturers, Wholesalers and Distributors	Gross Receipts	Receipts
58161	58161	Restaurants, Taverns, Hotels, Motels including package sales	Gross Receipts	Receipts
58168	58168	Temporary Licenses	No Exposure	No Exposure
58169	58169	Owners or Lessors of premises used by others	No Exposure	No Exposure
11111	11111	Liquor Liability - Not Otherwise Classified	No Exposure	No Exposure
	Class Code	Description	Exposure Base	
	<u>Old</u>	<u>New</u>	<u>Old</u>	<u>New</u>

<u>LAWYERS PROFESSIONAL LIABILITY</u>			
81400	Lawyers	Number of Persons	
81420	Employed Law Clerks, Investigators, Abstractors and Paralegals	Number of Persons	
Class Code	Description	Exposure Base	
		Old	New

<u>LABOR, FRATERNAL OR RELIGIOUS ORGANIZATIONS</u>			
86416	Boy or Girl Scout Councils	Number of Scouts	
86413	Eliminated Boy or Girl Scout Troops	Number of Scouts	

86311	Labor Union Offices	Square Feet	
65007	Labor Union Offices	Square Feet	
86415	Clubs - civic, fraternal, luncheon, service or social - no building or premises owned or leased except for office purposes	Number of Members	
	(Code 86415 also includes "Insurance Agents Associations" which under "new" would be classified under 46880 - "Professional Trade Associations")	Number of Members	
70411	Clubs - not otherwise classified (including lodges, paternal orders and sororities)	Square Feet	
41663	Clubs - civic, service or social - no building or premises owned or leased except for office purposes	Number of Members	
41662	Clubs - civic, service or social - have buildings or premises owned or leased	Square Feet	
86612	Churches	Square Feet	
41650	Churches or other houses of worship	Square Feet	
86611	Convents or Monasteries	Square Feet	
41680	Convents or Monasteries	Square Feet	
86711	Mission or Settlement Houses - not church or office building	Square Feet	
67017	Mission, Settlement or Halfway Houses - not church or office building	Square Feet	

86412	Eliminated	United Service Organization (USO) (classify under "clubs")	Square Feet
86411		YMCA and YMCA Institutions (Code 86411 also includes "Recreation Centers")	Square Feet
49870		YMCA, YMCA or similar institutions	Square Feet

PROFESSIONAL LIABILITY

Miscellaneous Classes Not Involving Personal Injury Hazard Classification

CLASSIFICATION CODE	CODE	EXPOSURE BASE
Accountants	73101	N/R
Certified Public	73102	N/R
Advertisers	73110	N/R
Architects	73909	N/R
Auditors	73111	N/R
Broadcasters - Program Form	73112	N/R
Broadcasters - Station Form	73113	N/R
Engineers	73908	N/R
Abstractors	73114	N/R
Appraisers	73115	N/R
Associations	73143	N/R
Book Publishers	73116	N/R
Brokers	73117	N/R
Business or Economic Consultants or Analysts	73118	N/R
Chemical Engineers	73119	N/R
Commercial Photographers	73120	N/R
Consulting Chemists	73121	N/R
Consulting Management Engineers	73122	N/R
Directors and Officers	73140	N/R
Ins. Agents and Brokers	73123	N/R
Ins. Counselors or Analysts	73124	N/R
Investment Counselors	73125	N/R
Newspaper Publishers	73126	N/R
Police Liability	73142	N/R
Public Officials	73131	N/R
Real Estate Agents	73127	N/R
Residential Appraisers	73128	N/R

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Surveyors	73129	N/R
Trustees	73130	N/R
All Others	73444	N/R

N/R = Not Required

GENERAL LIABILITY

Individual insurer programs that are not rated and coded in accordance with the attached class definitions shall be reported using the following codes:

Code	Descriptions	Exposure Base
44120	Governmental Subdivisions	No Exposure
87471	Public Schools	No Exposure
87470	Private Schools	No Exposure
81714	Day Care Centers	No Exposure
81111	Liquor Liability	No Exposure
81401	Lawyers Professional Liability	No Exposure
65005	Labor, Fraternal or Religious Organizations	No Exposure

Section 6602.APPENDIX H MEDICAL MALPRACTICE CLASS/CLASS GROUPS

MEDICAL MALPRACTICE

Not in active United States military service and not otherwise employed full time by the Federal Government. The exposure base for all classes is number of person months.

Category	Class Code	Description
a) Dentists		
Oral Surgery Using Anesthesia	80210	Dentists
		This class applies to any dentist engaged in oral surgery or operative dentistry on patients rendered unconscious through the administering of any anesthesia or analgesia.
Oral Surgery Not Using Anesthesia	80211	Dentists - Not Otherwise Classified
All Other		

NOTICE OF ADOPTED RULES

<u>Category</u>	<u>Class Code</u>	<u>Description</u>
b) Physicians and Surgeons	MD =	Medical Doctor
	DO =	Doctor of Osteopaths
General Practitioner (Family Practice)	MD 80420	Family Physicians or General Practitioners - no surgery
	DO 84420	
	MD 80421	Family Physicians or General Practitioners - minor surgery
	DO 84421	
	MD 80117	Surgery - general practice or family practice
	DO 84167	
Obstetrics/Gynecology - Surgery	MD 80167	Surgery - gynecology
	DO 84167	
	MD 80168	Surgery - obstetrics
	MD 80153	Surgery - obstetrics - gynecology
	DO 84153	
Obstetrics/Gynecology - Other	MD 80277	Gynecology - minor surgery
	DO 84277	
	MD 80244	Gynecology - no surgery
	DO 84244	
Orthopedic - Surgery	MD 80154	Surgery - orthopedic
	DO 84154	
Emergency Room - Surgery	MD 80157	Emergency medicine - including major surgery
	DO 84157	
Emergency Room - Other	MD 80102	Emergency medicine - no major surgery
	DO 84102	
Cardiac - Surgery	MD 80141	Surgery - cardiac
	MD 80150	Surgery - cardiovascular disease
	DO 84150	
Cardiac - Other	MD 80281	Cardiovascular disease - minor surgery
	DO 84281	
	MD 80255	Cardiovascular disease -

NOTICE OF ADOPTED RULES

DO 84255	no surgery
MD 80283	Intensive Care Medicine -
DO 84283	These classes apply to any general practitioner or specialist employed in an intensive care hospital unit.
MD 80143	Surgery - general - not otherwise classified.
DO 84143	These classes do not apply to any family or general practitioner or to any specialist who occasionally performs major surgery.
MD 80152	Surgery - neurology - including
DO 84152	child
MD 80288	Neurology - including child -
DO 84288	minor surgery
MD 80156	Surgery - plastic - Not Otherwise
DO 84156	Classified
MD 80155	Surgery - plastic -
DO 84155	otorhinolaryngology
MD 80146	Surgery - vascular
MD 80144	Surgery - thoracic
DO 84144	
<u>Category</u>	<u>Class</u> <u>Description &</u>
	<u>Code</u> <u>Exposure Base</u>
p) Hospitals	Hospitals - not otherwise classified
	For-Profit
80611	Per bed exposure base
80610	Per 100 outpatient visits exposure base
	Not-For-Profit
80612	Per bed exposure base
80617	Per 100 outpatient visits exposure base

ILLINOIS REGISTER
DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

<u>Category</u>	<u>Class Code</u>	<u>Exposure Base</u>	Governmental
d) Other Health Care Providers	80999	N/R	93215 Per bed exposure base
			93216 Per 100 outpatient visits exposure base
e) Other Health Care Facilities	80998	N/R	Osteopathic
			84965 Per bed exposure base
			84966 Per 100 outpatient visits exposure base
An aggregate total of all health care provider classes (other than physicians, surgeons and dentists) not included in categories a and b.			
An aggregate total of all health care facility classes (other than hospitals) not included in category c.			

MEDICAL MALPRACTICE

Individual insurer programs that are not rated and coded in accordance with the attached class definitions shall be reported using the following codes:

Code	Descriptions	Exposure Base
90410	Hospitals	N/R
90430	Physicians, Surgeons and Dentists	N/R

Section 6602. APPENDIX I COMMERCIAL AUTOMOBILE LIABILITY CLASS GROUPS - EXCLUDING PERSONAL INJURY PROTECTION (PIPS)

COMMERCIAL AUTOMOBILE LIABILITY

Voluntary Business Only	
a) Fleet and non-fleet combined trucks, tractors and trailers - Zone rated	

ILLINOIS REGISTER
DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

Classification Code	Exposure Base
1a	Car Years
1b	Receipts
1c	# of miles
b) Fleet and non-fleet combined trucks, tractors and trailers - All other - regardless of mileage	
Classification Code	Exposure Base
2a	Car Years
c) Fleet and non-fleet combined taxicabs and public livery - regardless of mileage, including limousines.	
Classification Code	Exposure Base
3a	Car Years
3b	Receipts
3c	# of miles
d) Fleet and non-fleet combined school buses - regardless of mileage	
Classification Code	Exposure Base
4a	Car Years

e) Fleet and non-fleet combined other public buses - regardless of mileage and zone rated (includes transportation of athletes and entertainers, social service automobiles and van pools)

Classification Code	Exposure Base
5a	Car Years
5b	Receipts
5c	# of miles

COMMERCIAL AUTOMOBILE LIABILITY

Voluntary Business Only	
f) Automobile Dealers	
Classification Code	Exposure Base

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

6a Rating Unit Years

g) Service Operations or Trailer Sales

Classification Code Exposure Base

7a Payroll

h) All Other Commercial Auto Classes

Classification Code Exposure Base

8a N/R

Section 6602.APPENDIX J PRIVATE PASSENGER AUTO CLASSIFICATIONS

Private Passenger Auto

Voluntary Business Only

Classification Code Exposure Base

Private Passenger
Auto Liability
(Excluding PIPS) 191 Car Years
(Bodily Injury)

Private Passenger Auto 211 Car Years
Physical Damage (Comprehensive)

Section 6602.APPENDIX K BUSINESS OWNERS CLASSIFICATIONS

BUSINESS OWNERS PACKAGES

Classification Code Exposure Base

Business Owners
Package (B.O.P.) 7777 N/R

Section 6602.APPENDIX L HOMEOWNER CLASSIFICATIONS

Homeowners

Voluntary Business Only

Homeowner coverages shall be classed and reported as follows:

Homeowner Package Code Exposure Base

HO-1 House Years

HO-2 House Years

HO-3 House Years

HO-4 House Years

HO-5 House Years

HO-6 House Years

HO-8 House Years

Residential Fire 9 House Years

Endorsement Code Exposure Base

Home Day Care (HO-323) 323 N/R
(Liability Only)

Business Pursuits 71 N/R
(HO-71) (Liability Only)

Section 6602.APPENDIX M SPECIAL CLASSIFICATIONS APPLICABLE TO EXCESS INSURANCE

Special Classifications Applicable to
Excess Insurance

Classification Code Exposure Base

Excess Insurance 88888 N/R

Rule for (a) Rating Excess Insurance
(Umbrella and Personal Catastrophe Liability)

Personal Umbrella 99930 N/R
Commercial Umbrella 99935 N/R

Commercial Auto

Excess Insurance 9772 N/R

DEPARTMENT OF MINES AND MINERALS

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Numbers Adopted Action

240.10	Amend
240.200	New Section
240.210	Repealed, New Section
240.220	Repealed, New Section
240.230	New Section
240.240	Repealed, New Section
240.250	Repealed, New Section
240.260	Repealed, New Section
240.270	Repealed
240.280	Repealed
240.300	New Section
240.310	New Section
240.320	New Section
240.330	New Section
240.340	New Section
240.350	New Section
240.360	New Section
240.370	New Section
240.380	New Section
240.390	New Section
240.395	New Section
240.410	Repealed, New Section
240.420	Repealed, New Section
240.430	Repealed, New Section
240.440	New Section
240.450	New Section
240.460	New Section
240.510	Repealed
240.520	Repealed
240.600	New Section
240.610	Repealed, New Section
240.620	Repealed, New Section
240.630	Repealed, New Section
240.640	Repealed, New Section
240.650	Repealed, New Section
240.655	Repealed
240.660	Repealed
240.670	Repealed
240.680	Repealed
240.700	New Section
240.710	New Section
240.720	New Section
240.730	New Section

240.740	New Section
240.750	New Section
240.760	New Section
240.770	New Section
240.780	New Section
240.790	New Section

- 4) Statutory Authority: Implemented and authorized by Section 6 of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5409)
- 5) Effective Date of Amendments: October 10, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: October 7, 1991
- 9) Notice of Proposed Amendments Published in Illinois Register: 15 Ill. Reg. 8448 - June 7, 1991
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 240.10, the Statute has been cited on the definition of Enhanced Oil Recovery.

The heading for Subpart B has been corrected to read the same as the Table of Contents.

In Section 240.210(d), the Statute has been changed to read "Ill. Rev. Stat. 1990 Supp., ch. 96 1/2, par. 5418".

In Section 240.240 "permits" has been changed to "a permit".

In Section 240.260, the heading has been changed to read the same as the Table of Contents

In Section 240.310(d), "not-refundable" should be "non-refundable"; the Statute has been changed to read "Ill. Rev. Stat. 1990 Supp., ch. 96 1/2, par. 5418".

In Section 240.320, "permits" should read "a permit".

In Section 240.340(e)(2)(B), "propagate" has been corrected to "propagate".

In Section 240.350(b)(2), a ", " shall be placed after the word "above".

In Section 240.395(a)(3), the word "Wells" is changed to lower case; and in 249.395(b), "section" is changed to upper case.

In Section 240.410(a)(3), after "four thousand (4,000)" "feet beneath the surface" has been added.

In Section 240.420(a)(1), a ", " has been added after "Department"; 240.420(a)(2), a ", " has been added after "requested".

In Section 240.420(b)(1), the ", " has been deleted after "project"; Section 240.420(b)(2), ", " has been placed after the word "that" and "feet".

In Section 240.610, "For" has been changed to lower case.

In Section 240.610(a)(4), a ", " has been placed after the word "resume".

In Section 240.650, the Statute at the end of the paragraph has been changed to read "The Well Abandonment Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5203, as amended by P.A. 87-744, effective September 26, 1991)."

In Section 240.710(a)(4), a ", " has been placed after the word "resume"

In Section 240.760(a), "Well" has been changed to lower case; Section 240.760(b) "well inspector" has been changed to upper case; Section 240.760(b) (1)-(6) and (c), "Well" has been changed to lower case; Section 240.760(b), (7) has been deleted and the text has been brought out to the margin; 240.760(c), ", " has been deleted after "Section"; Section 240.760(d)(2) (A)-(D), the first letters have been made lower case; 240.760(e), "Well" has been changed to lower case and a ", " has been placed after the word "test".

In Section 240.770(a), "Internal Mechanical Integrity Test" has been changed to lower case; Section 240.770(b), "Wells" has been changed to lower case; Section 240.770(c); delete the word "Section" and "External Mechanical Integrity" has been changed to lower case; Section 240.770(d), "Well" has been changed to lower case.

In Section 240.780(a)(3), the hyphen has been removed from "recompletion"; and "Well" has been changed to lower case.

In Section 240.790, the Statute at the end of the paragraph has been changed to read "The Well Abandonment Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5203, as amended by P.A. 87-744, effective September 26, 1991)."

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this part? Yes
- | Section Numbers | Adopted Action |
|-----------------|-----------------------|
| 240.995 | Repealed |
| 240.1400 | Repealed, New Section |
| 240.1405 | Repealed |
| 240.1410 | Repealed, New Section |
| 240.1420 | Repealed, New Section |
| 240.1430 | Repealed, New Section |
| 240.1440 | Repealed, New Section |
| 240.1450 | Repealed, New Section |
| 240.1460 | Repealed, New Section |
| 240.1470 | Repealed |
| 240.1500 | Repealed, New Section |
| 240.1510 | New Section |
| 240.1520 | New Section |
| 240.1530 | New Section |

15) Summary and Purpose of Rule(s):

The Department is proposing amendments to its permit application procedures, together with the elimination and modification of several definitions. The proposed amendments break out separate permit application procedures for oil and gas production wells and for Class II underground injection control (UIC) wells, in Subparts B and C respectively.

The proposed amendments to Subpart B are largely a clarification of existing rules.

Subpart C sets forth application procedures for Class II UIC wells to satisfy the requirements of the Department's UIC Program under the Federal Safe Drinking Water Act. The provisions of Subpart C reflect the procedures and requirements presently being followed by the Department and incorporate present permitting rules that pertain specifically to UIC wells.

Subpart D establishes the spacing and location requirements for oil and gas wells. These rule amendments were originally proposed December 21, 1990 (14 Ill. Reg. 2140). Due to the significant public comment, particularly regarding spacing requirements for abandoned coal mines and deep gas, the Department withdrew the proposed amendments (15 Ill. Reg.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

5110, April 5, 1991) and convened a special meeting of the Oil and Gas Board to which all commenters were invited. As a result of the presentations of the Board's meeting and the Department's further review, changes have been made to the spacing requirements as they were originally proposed December 21, 1991.

Sections 240.510 and 240.520 of Subpart E are repealed since they are included in construction requirements under Subpart F and G.

Subpart F and G propose amendments to the provisions relating to well construction, well operation and reporting requirements. The proposed amendments break out separate construction, operating and reporting requirements for oil and gas production wells and for Class II UIC wells, respectively.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch
Rules Coordinator

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.10	Prevention of Waste (Repealed)
240.20	Jurisdiction (Repealed)
240.30	Enforcement of Act (Repealed)
240.40	Delegation of Authority (Repealed)
240.50	Right of Inspection (Repealed)
240.60	Right of Access (Repealed)
240.70	Sworn Statements (Repealed)
240.80	Additional Reports (Repealed)
240.90	When Rules Become Effective (Repealed)
240.100	Notice of Rules (Repealed)
240.110	Forms (Repealed)
240.120	Hearings--Notices
240.130	Violations Not Requiring Formal Action
240.140	Notice of Violation
240.150	Director's Decision
240.160	Cessation Order
240.170	Enforcement Hearings
240.180	Temporary Relief
240.190	Subpoenas
240.195	

SUBPART B: PERMIT APPLICATION PROCEDURES AND
PERMIT REQUIREMENTS FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	General--Provisions Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Application--for--Permit-to-Drill;--Deepen-or-Convert--Well Contents of Application
240.230	Application--for--Permit-for--Geological--or--Structural--Test--Hele (Recorded) Authority of Person Signing Application
240.240	Permits-for--Salt-Water-Disposal--or--for--Gas--Air--Water--or--other Liquid-Input-Well Additional Requirements for Directional Drilling
240.250	Underground Injection and Disposal Projects Issuance of Permit
240.255	Underground Injection and Disposal Projects (Recorded)
240.260	Application-for--Approval-of--Enhanced-Recovery-Projects Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240.280	Disposal Operations (Repealed) Duration of Underground Injection Well Orders (Repealed)
Section	
240.300	SUBPART C: TRANSFER--OF-----OWNERSHIP--AND--BONDING PERMIT
240.305	APPLICATION PROCEDURES FOR CLASS II UIC WELLS
240.310	Applicability
240.320	Transfer of Management (Recodified)
240.330	When Bonds Required--Amount--(Recodified) Application for Permit to Drill, Deepen or Convert to a Class II UIC Well
240.340	Kind-of-Bond--Execution--(Recodified) Contents of Application
240.350	Bond-of-Manager--(Recodified) Authority of Person Signing Application
240.360	Bond-Form--Approval--(Recodified) Proposed Well Construction and Operating Parameters
240.370	Surety-May-Cancel-Bond--(Recodified) Groundwater and Potable Water Supply Information
240.380	Mining-Board-May-Cancel-Bond--(Recodified) Area of Review
240.390	Gassing-Puller's-Bond--(Recodified) Public Notice
240.400	Issuance of Permit
240.410	Permit Amendments
240.420	Update of Class II UIC Well Permits Issued Prior to July 1, 1987
Section	
240.430	SUBPART D: SPACING OF WELLS
240.440	General Spacing-Rules Drilling Units
240.450	Secondary-Recovery Well Location Exceptions within Drilling Unit
240.460	Nonconforming-Well-to-be-Pugged Drilling Unit Exceptions
240.470	More Than One Well on a Drilling Unit
240.480	Directional Drilling
240.490	Special Drilling Units Based Upon Reservoir Characteristics
Section	
240.500	SUBPART E: DRILLING AND CASING PROCEDURES
240.510	Rotary Drilling Procedure (Repealed)
240.520	Cable Tool Drilling Rules (Repealed)
240.530	Slush and Mud Pits
Section	
240.540	SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS
240.550	FOR PRODUCTION WELLS PRODUCTION-AND-INJECTION-WELL-OPERATING-REQUIREMENTS
240.560	Applicability
240.570	Return-of-Completion-Card Construction Requirements for Production

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240.620	Wells
240.630	Well-Log-to-be-Filled Remedial Cementing of Leaking Wells
240.640	Contents-of-Well-Log Operating Requirements
240.650	Collection-of-Drill-Cuttings Reporting Requirements
240.655	Operating-Requirements-for-Enhanced-Recovery-Injection-and-Disposal Wells Confidentiality of Well Data
240.660	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.670	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.680	Avoidable Waste of Gas (Repealed)
240.690	Escape of Unburned Gas Prohibited (Repealed)
Section	
240.700	SUBPART G: WASTE-PROHIBITED WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS
240.710	Applicability
240.720	Avoidable-Waste-of-Gas--(Recodified) Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
240.730	Escape-of---Unburned---Gas--Prohibited--(Recodified) Surface and Production Casing Requirements for Conversion to Class II UIC Wells Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Internal Mechanical Integrity Testing for Class II UIC Wells
240.770	External Mechanical Integrity Testing for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
Section	
240.800	SUBPART H: GENERAL LEASE OPERATING REQUIREMENTS AND AVOIDANCE OF SURFACE POLLUTION
240.810	Introduction
240.820	Disposal in Underground Stratum
240.830	Disposal in Earthen Pits
240.840	Pipes to be Kept in Repair
240.850	Burn Off Pits
240.860	Lease Tank Reservoirs
240.870	Fire Hazards at Well Locations
240.880	Mining Board Supervision
240.890	Yearly Inspection--of Pits--Revocation of Permits--Orders for Corrective Action and Other Disposal
240.900	Lease and Well Identification

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART I: OIL FIELD BRINE HAULING

Section	Authority, Policy and Purpose
240.910	Definitions
240.920	Oil Field Brine Haulers Permit
240.930	Applications for Brine Hauling Permit Shall Include the Following:
240.940	Applications for Oil Field Brine Hauling Permits--Signatures and
240.950	Authorization
240.960	Oil Field Brine Hauling Permit Conditions
240.970	Inspection of Vehicles
240.980	Transfer of Permits
240.985	Revocation of Oil Field Brine Hauling Permit
240.990	Records and Reporting Requirements
240.995	Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section	Requirements for Use of Vacuum Pumps
240.1005	Application for Use of Vacuum
240.1010	Notice and Hearing on Application
240.1020	Mining Board Authority

SUBPART K: PLUGGING OF WELLS

Section	Plugging of Non-Productive Wells (Repealed)
240.1105	Definitions
240.1110	Plugging of Uncased Wells
240.1120	Plugging or Temporary Abandonment of Abandoned or Inactive Wells
240.1130	General Plugging Procedures and Requirements
240.1140	Specific Plugging Procedures
240.1150	Procedures for Plugging Coal Seams
240.1151	Converting to Water Well (Repealed)
240.1160	Well Site Restoration
240.1170	Lease Restoration
240.1180	Filing Plugging Affidavit
240.1190	

SUBPART L: OTHER WELLS

Section	Application for Permit for Geological or Structural Test Hole
240.1200	Transfer of Management (Recodified)
240.1205	When Bonds Required--Amount (Recodified)
240.1210	Kind of Bond--Execution (Recodified)
240.1220	Bond of Manager (Recodified)
240.1230	Bond Form--Approval (Recodified)
240.1240	

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

240.1250	Surety May Cancel Bond (Recodified)
240.1260	Mining Board May Cancel Bond (Recodified)
240.1270	Casing Puller's Bond (Recodified)

Section	Introduction
240.1300	Permit Requirements in Mine Areas
240.1305	Workable Coal Beds Defined
240.1310	Mining Board may Determine Presence of Coal Seams
240.1320	Well Locations Prohibited
240.1330	Notice to Mining Board
240.1340	Casing and Protective Work
240.1350	Operational Requirements Over Active Mine
240.1360	Inspection of Vehicles (Recodified)
240.1370	Transfer of Permits (Recodified)
240.1380	Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1385	Records and Reporting Requirements (Recodified)
240.1390	Bonds--Blanket Surety Bond (Recodified)
240.1395	

SUBPART N: TRANSFER OF OWNERSHIP

Section	Definitions
240.1400	Transfer of Management (Repealed)
240.1405	Applicability
240.1410	When Notification to be Made
240.1420	Responsibilities of Current Permittee
240.1430	Responsibilities of New Permittee
240.1440	Authority of Persons Signing Notification
240.1450	Other Conditions for and Effect of Transfer
240.1460	Casing Puller's Bond (Repealed)
240.1470	
EMERGENCY	

SUBPART O: BONDS

Section	When Required and Amount
240.1500	Definitions
240.1510	

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

EMERGENCY

240.1520 Bond Requirements

EMERGENCY

240.1530 Forfeiture of Bonds

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 6 and 8a of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991.

(NOTE: Capitalization denotes statutory language.)

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and/or packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules. As used herein shall mean Portland or "heat"-cement.

"Class II UIC well"-- means a well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

For enhanced recovery of oil or natural gas; and
For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit. Shall mean to change an oil or gas-producing well; or a temporarily abandoned well to a well for injection of gas, air, water or other liquids; or any combination thereof; or to change an injection well to an oil or gas-producing well.

"DEPARTMENT"--MEANS THE DEPARTMENT OF MINES AND MINERALS OF THE STATE OF ILLINOIS.

"Development"--Shall means any work or operation on or appurtenant to the oil and gas leasehold premises, which actively looks toward the drilling of wells for oil or gas, or the discovery of or bringing in production.

"Directional Drilling"--Shall means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected for purposes other than enhanced oil recovery.

"DRILLING UNIT"--SHALL MEAN--THE SURFACE AREA ALLOCATED--BY AN ORDER OR REGULATION OF--THE MINING BOARD TO THE DRILLING--OF A SINGLE WELL FOR--THE PRODUCTION--OF OIL--OR GAS--FROM AN INDIVIDUAL--POOL--(1987-III-Rev-Stat--6H--96-1/2--par--5401)

"ENHANCED OIL RECOVERY Injection Well"--MEANS ANY SECONDARY OR TERTIARY RECOVERY METHOD USED IN AN EFFORT TO RECOVER HYDROCARBONS FROM A POOL BY INJECTION OF FLUIDS, GASES OR OTHER SUBSTANCES TO MAINTAIN, RESTORE OR AUGMENT NATURAL RESERVOIR ENERGY, OR BY INTRODUCING GASES, CHEMICALS, OTHER SUBSTANCES OR HEAT OR BY IN-SITU COMBUSTION, OR BY ANY COMBINATION THEREOF. (Ill. Rev. Stat. 1989, Ch. 96 1/2, par. 5401) means a well into which fluids are injected to increase the recovery of hydrocarbons.

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Fresh Water"--Shall means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids and/or less than 5,000 ppm chlorides.

"Lease Tank"---Shall mean the tank or other receptacle into which oil is produced either directly from a well or from a well through a gas separator, gun barrel or similar equipment.

"Log"---Shall mean the systematic detailed written record correctly describing the strata and formations progressively encountered in the drilling of a well for oil or gas, including water, oil and gas formations or other underground resources, with such additional data as is usually recorded in the normal procedure of a drilling, including electric surveying or logging.

"Mud-laden Fluid"---Shall mean any approved mixture of water and clay or other suitable material as the term is commonly used in the industry which will effectively seal the formation to which it is applied.

"Oil String"---Shall mean that string of casing placed in a well and used for the purpose of segregating the horizon or formation from which production is obtained and affording a means of bringing the oil or gas from such productive horizon or formation to the surface.

"Pattern Flood"---Shall mean a definite geometric arrangement of the input wells and the producing oil wells with a constant distance between the input and oil wells for any definite pattern.

"Permit"---means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated

"Permitee"---means the person or entity holding the permit and listed on the bond as principal.

"Plug or Plugging"---Shall mean the abandoning of a producing nonproductive or nonproductive well or the stopping of the flow of oil, gas, or water in a well in accordance with Subpart K of this Part.

"Pollution"---For the purpose of these rules, pollution shall mean movement of fluid waste liquids into an underground source of drinking water so as to create a significant risk to the health of persons.

"Production Casing"---Shall mean that the string of casing placed in a well and used for the purpose of segregating isolating the production or injection formation, horizon or

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

formation from which production is obtained and affording a means of bringing the oil or gas from such productive horizon or formation to the surface.

"Repressure"---Shall means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Rotary Drilling"---Shall means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Secondary Recovery"---Shall mean the recovery obtained by any method whereby oil and gas is produced by augmenting the natural reservoir energy.

"Shooting"---Shall means the exploding of nitroglycerin or other high explosives in a well hole for the purpose of discovering or increasing the production of oil or gas therefrom or in perforating or parting the pipe therein.

"Special Mud Materials"---Shall mean weighing material such as barium sulfate-bentonitic clays, salt-resistant clays, filtration-reduction agents and fibrous materials.

"Storage Well"---A well used to inject for storage purposes hydrocarbons which are liquid at standard temperature and pressure.

"Lease Tank"---Shall means the a tank or other receptacle into which oil or water is gathered, produced or stored, either directly from a well or from a well through a gas separator, gun barrel or similar equipment.

"The Act"---When used herein shall refer to and means the provisions of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1988 Supp. 1989, ch. 96 1/2, pars. 5401 et seq.).

"Undeveloped Limits of a Mine"---The undeveloped limits of a mine are means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"---Shall means pressure which is reduced below the pressure of the atmosphere.

"Waste Liquids"---Shall means oil field brines, cut oil, bottom sediments, concentrated sulphur water and acid waters.

"Well"---Shall mean any well drilled for the purpose of discovering oil or gas, or for any other purpose in connection with the exploration and production of the same including gas, air and water

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

input-wells:

(Source: Amended at 15 Ill. Reg. 15493, effective October 10, 1991)

SUBPART B: PERMIT APPLICATION PROCEDURES AND-
PERMIT-REQUIREMENTS FOR PRODUCTION WELLS

Section 240.200 Applicability

The provisions of this Subpart apply to production wells. As used in this Subpart "production well" means a well drilled for the production of oil or gas, or a well drilled for a water supply for use in connection with an enhanced oil recovery project.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.210 General-Provisions Application for Permit to Drill, Deepen or Convert to a Production Well

All-applications--for-permits--shall-conform--or-be--subject-to--the-following requirements:

a) Application-to-be-Filed

1) All-applications--for-permits--shall--be-signed-by-the--owner-or manager--or--by-a-person--authorized-to--sign--for--such--owner--or manager--or--by-a-member--of-an-established-firm; partnership--or association:--Any-person-may-sign-for-a-corporation-who-is-duty authorized-to-so-do:--Persons-so-authorized--shall-either-sign personally--or-as-Attorney-in-fact:--If-such-person-signs-as-an Attorney-in-fact,--then--a--certified--copy--of-the--power--of attorney--shall--accompany-the-application,--unless--one-has-been previously--filed--with-the-Mining-Board:--

2) If-the-application-is-signed-by-the-manager,--he-shall-furnish the--Mining-Board-with--a--signed--statement--accompanying--the application--that--he-is-the-managing-operator-of-the--well-and will-be--solely-responsible--for--any-and-all-violations--of-the Illinois-Statutes--and--the-Mining-Board-Rules--in-the-drilling, testing,--completion,--operation,--and--plugging--of-the-well:--The manager's-responsibility-for-violations--ceases-if-a-new-manager is--appointed-and--furnishes--the-Mining-Board--with-a--signed managing-operator's-statement,--as-above-provided:--

b) Copy-of-Evidence-of-Ownership-to-be-Attached--
-No-person--shall-be-issued--a-permit-for--any-purpose-unless--he-has

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

custody-and-control--of-the-lands-involved,--either-by--being-the-fee owner--or--by-having-a-valid-lease-or-agreement-with-the-owners-of-the right-to-drill--for-oil-and-gas--on-the-lands-in--question;--proof-of which--shall--be-submitted-by--the-applicant,--by-either--attaching-to the--application-certified--copies--of-the-original-instruments--or photostatic-copies--thereof,--or,--at-the-election-of-the-applicant,--by submitting-a-form-to-be-furnished-by-the-Mining-Board,--setting-forth all-such-pertinent-facts,--which--shall--be-subscribed-and-sworn-to-by the-applicant,--who--shall--certify-the--facts-contained--therein--are true:--

c) When-Permit-to-be-Issued--
-No-permit--shall-be-issued-by--the-Mining-Board-until--the-applicant has-fully-met-all-requirements--and-the-application-is--approved-by the-Department:--

d) Permit-Issued-to-Owner-or-Manager--
-All-permits--shall-be-issued-by--the-Mining-Board-in--the-name-of-the person; firm-or-corporation--for-whom-the-application-is-made--and-who furnishes-the-bond:--

e) Permit-Posted-at-Well-Site
When--fee-permits--are-required--no-person--shall-commence--drilling operations-until-the-permit-has-been--issued-by-the-Mining-Board--and the-original,--a-duplicate--or--a-photostatic-copy--thereof--posted-at the-well-site:--The-permit--shall--remain-posted--at-the-well-site until-the-drilling-of-the-well-has-been-completed:--

f) Authority-to-Deny-Permit--
-The--Mining-Board--shall--have-authority--to-deny--a--permit-to--any person, when-such-person-is-in-violation-of--the-aforementioned-Act or-any-valid-and-lawful-Rule--or-Order-adopted-or-promulgated-by-the Mining-Board:--

g) Permits-Not-Transferable--
-Permits-issued-under-the-Act-are-not-transferable:--

a) No person shall drill, deepen or convert any well to a production well without a permit from the Department.

b) Application for a permit to drill, deepen or convert to a production well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart L.

c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

The notification shall specify the additional information or documents necessary to an evaluation of the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within sixty (60) days following the date of notification.

- d) ANY WELL FOR WHICH A PERMIT IS REQUIRED UNDER THE ACT, OTHER THAN A PLUGGED WELL, WHICH WAS DRILLED PRIOR TO THE EFFECTIVE DATE OF THE ACT AND FOR WHICH NO PERMIT HAS PREVIOUSLY BEEN ISSUED, IS REQUIRED TO BE PERMITTED. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart L. If application is made on or before August 14, 1991, no permit fee is required. An application made after that date shall be accompanied by the non-refundable fee of \$100.00. SPACING REQUIREMENTS AND PROVISIONS OF THE ACT AND THESE RULES PERTAINING TO WELL CONSTRUCTION SHALL NOT APPLY. AFTER AUGUST 14, 1991, ANY UNPERMITTED WELL TO WHICH THIS SUBPART APPLIES WILL BE DEEMED TO BE OPERATING WITHOUT A PERMIT AND SUBJECT TO THE PENALTIES SET FORTH IN THE ACT. (Ill. Rev. Stat. 1990 Supp., Ch. 96 1/2, par. 5418)

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991)

Section 240.220 Application--for--Permit--to-Drill,--Deepen--or-Convert--Well Contents of Application

- a) Requirements--
-Before-any-person--shall-spud-in-or-commence-the--actual-drilling-of-any-well-for--the-discovery-of-oil-or-gas--or-commence-operations-to-deepen-any-well-to-a-different-geological-formation--or-commence-any-operations--on-any-well-which--requires-the-obtaining-of-a-permit-under--these-rules,--such-person--shall-file-with-the-Oil-and-Gas-Division-of-the-Department,--an-application-for-a-permit-on-such-form-as-the-Mining-Board-shall-require--
- b) Drill-Out-or-Deepen-Plugged-Well--
-In-order-to-drill-out-or--deepen-a-previously-plugged-well,--the-same-requirements-shall-apply-as-stated-in-Section-240.220(a)--except-that-no--permit-shall-be-issued-to--drill-out--or--deepen-a--previously-plugged-well-which-is--located-less-than-330-feet--from-the--two-nearest-external--boundary-lines--of-the-drilling-unit.--Exceptions-shall-be-granted-when-the-plugged-well-adjoints-or-is-on-that-part-of-a--leasehold--on-which--secondary--recovery--operations-are--now--or--hereafter-established--
- c) Contents-of-Application

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

The--application--for--a--permit--shall--include--the--following information,--viz:--

- 1) The-name-of--the-leasehold-and-exact-location,--by--plat,--of-the-well--proposed-to-be-drilled,--deepened-or--converted--and--the-approximate-location--of--producing-wells-previously--drilled--to-the-same--formation-on-said-leasehold,--together-with--the-name-and--approximate--location--of--the-offset-well--or--wells--on-adjoning-leaseholds,--and-a-statement-as-to-whether-or-not-such-proposed-well-location-is-within-the-limits-of-any-incorporated-city,--town,--or-village--
- 2) Applications-for-permits-shall-be--certified-to-by-a-registered-illinois-land-surveyor-or--registered-professional-engineer--who-works-for-the-extraction-of-minerals-from-the-earth--
- 3) The-application--shall--include--the-names--and--addresses--of-lessor,--lessee,--owner,--or--manager--and--the--person-responsible-for-the-conduct-of-operations,--and--the-name-of-the-contractor--The-application-shall-also-indicate--the-type-of-drilling-tools-or-equipment--to-be-used--and--the--lowest--proposed-depth--and--geological-formation--to-be-tested-or-penetrated--
- 4) When-the-applicant--is-not-the-individual-owner--or-manager,--if-the-applicant--is--a--partnership,--firm,--association--or-corporation,--and--if--a--corporation,--whether--its--charter-authorizes--oil-operations,--if--an-assumed-business-name--is-used,--whether-it-is-registered--as-provided--by-the-illinois-Statutes,--giving-county-of-registration--
- d) Fee--
-The-applicant-shall-remit-with--the-application--to-either--drill--deepen--a-well--to-a-different-geological-formation,--or--convert--a-well,--a-fee--of-one-hundred-dollars--(\$100.00)--by--check,--draft,--Post-Office-or-Express--Money-order-payable-to-the-State--of-illinois--and-shall-give-bond-as-hereinafter-provided--
- e) Expiration-of-Permit--
1) All-permits-shall-be-issued-to-cover-a-period--of-one--(1)--year--from-the-date-of-issue--and-shall-expire-at-that--time-unless-acted-upon-prior--thereto--by-the--commencement-of--operations-authorized--by--the--permit,--and--such--operations--shall-be-continued--with--due-diligence--until--the--authorized-work--is-completed,--provided-always--that--the-Mining-Board-shall-have-the-authority--to-revoke--a-permit--when--the-Mining--Board--finds--that-any-fraud,--deceit,--or-misrepresentation--was-made--to-obtain--the-issuance-of-said-permit--

2) Each such permit shall expire before the period of one (1) year from date of issue when and as the permittee has completed the work specified in such original permit and the well is abandoned as a dry hole or the terms of the lease on the lands in question expire by their own limitation or the lease is canceled or forfeited in the manner provided by law.

3) In the event the well for which a permit was issued be productive of oil or gas, then such permit shall continue in full force and effect so long as oil or gas or other petroleum products are produced, saved, or marketed therefrom.

f) Change of Location
If a permittee requests a change of location for the drilling of the well before its completion and such change is upon the same lease and is not over thirteen hundred and twenty (1320) feet from the original location and such proposed change meets with the approval of the Mining Board, the permittee shall return the original permit together with an amended application for such change of location.

g) Directional Drilling
In controlled directional drilling when the intent is to direct the bottom of the well bore away from the vertical position, in addition to an application for a well permit the applicant shall furnish the Mining Board with the proposed direction of deviation and proposed horizontal distance between the bottom of the well bore and the surface location. If a permit is issued by the Mining Board, the permittee shall file with the Mining Board, within thirty (30) days after the completion of the well, a certified accurate and complete copy of the directional survey of said well. No person, company, or organization shall direct, or assist in directing, any well bore away from the vertical position until the Mining Board has issued a permit for such directional drilling.

The application for a permit to drill, deepen or convert to a production well shall include:

a) The name of the well.

b) The surveyed location and ground elevation of the well. A survey is not required for a converted or deepened well, a drilled out plugged hole if the original well location was surveyed, or for a well permitted under Section 240.210(d).

c) A map showing:

1) the boundaries of the leasehold or enhanced oil recovery unit;

2) the exact location of the well proposed to be drilled, deepened or converted, and an outline of the proposed drilling unit;

3) the location of all producing wells previously drilled on the drilling unit; and

4) the location of all offset wells on adjacent drilling units.

d) Information to show the applicant has the right to drill and to operate a well on the lands in question. The applicant shall submit copies of the operative lease instruments or assignment, or at the election of the applicant, provide the necessary information on a form prescribed by the Department.

e) A statement as to whether such proposed well location is within the limits of any incorporated city, town, or village. If the consent of municipal authorities for the drilling of a well is required, a certified copy of the official consent must be submitted.

f) The name and address of the drilling contractor, and the type of drilling tools or equipment to be used.

g) If the well is located over an active mine, temporarily abandoned mine or within the undeveloped limits of a mine, or if the coal rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1305 of this Part.

h) The proposed depth of the well and the name of the lowest geologic formation to be tested.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991)

Section 240.230 Application for Permit for Geologic or Structural Test Hole (Recodified) Authority of Person Signing Application

a) The application for a permit to drill, deepen, or convert to a production well shall identify whether the owner of the right to drill and to operate the well is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner.

b) If the owner is an individual, the application shall be signed by the individual. If the owner is a partnership, the application shall be signed by a general partner. If the owner is a corporation, the application shall be signed by an officer of the

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

corporation.

- c) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department of Mines and Minerals and accompanies the application.
- d) The entity or person to whom the permit is issued shall be called the Permittee and shall be responsible for all regulatory requirements relative to the well.
- e) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Former Section recodified to Section 240.1400; New Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.240 Permits for Salt-Water Disposal or for Gas, Air, Water, or other liquid input-Weils Additional Requirements for Directional Drilling

In order to prevent waste as defined in the Act, the Mining Board shall require any person desiring to convert any well now drilled or any person desiring to drill or deepen a well for the purpose of injecting gas, air, water, or other liquid into any underground formation or strata to secure a permit therefor.

a) Requirements for Permit

- 1) In addition to complying with all provisions enumerated and required in Section 240.210 "General Provisions" above, the applicant for a permit for a salt water disposal well or for a gas, air, water, or other liquid input well shall provide a bond as required by the Act.
- 2) In the application for a permit for such input well, the applicant shall indicate the location of all producing oil and gas wells, drilling wells or abandoned holes, within one-half (1/2) mile radius and all mines or mined out areas or the undeveloped limits of a mine within a like distance of such proposed well, together with the names and addresses of their owners, the name and description of the substance to be injected, and the depths and formation where the proposed injection will be made. The applicant shall also submit the log of such input well if previously drilled, and description and character of casing and cementing operations behind the

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

same and size of hole drilled.

- b) Notice to other Owners or Managers--Every person desiring to inject any such substance into an underground formation or stratum, shall notify the owners or managers of every oil or gas well, including those drilling or temporarily abandoned, and the owner of every mine, including the mined-out and undeveloped limits of any mine, within a one-half (1/2) mile radius, by registered mail on or before the day the application is filed with the Mining Board, and proof of such notice shall accompany said application. The name of the formation shall be included in the notice, and the approximate depth of the top and bottom of the formation to be injected is to be given. On receipt of such application and proof, the Mining Board shall hold the application for ten (10) days pending the filing of objections. In event objection is made within such time or the Mining Board deems a hearing should be had, notice shall be given to each objector and the applicant of the time and place designated by the Mining Board for such hearing.
- c) Authority to Deny Permit--The Mining Board shall have authority to deny a permit when, in its judgment, there is danger of waste or when it believes the proposed protective work is not sufficient to confine the substance injected to the intended strata.
- d) Authority to Suspend Operations--At any time it seems apparent that the injected substance is not being confined to the intended stratum and is migrating to other stratum or to the surface, the Mining Board shall have authority to suspend operations and after notice and hearing to prohibit the further use of any such well for said purposes.
- e) The applicant shall remit with the application to convert, drill or deepen a well for the purpose of injecting any gas, air, water, or other liquids, or any combination thereof, into any underground formation or strata a fee of one hundred dollars (\$100.00) by check, draft, post office or Express Money Order payable to the State of Illinois.

If the applicant intends to deviate from the vertical, the application shall include a map showing the proposed direction of deviation and proposed horizontal distance between the end of the well bore and the surface location of the well. Within sixty (60) days after the completion of drilling, a certified directional survey of the well must be filed with the Department showing the surface location of the well, the location of the top and bottom of the producing interval and the location of the end of the well bore.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.250 Underground-Injection-and-Disposal-Projects Issuance of Permit

Approval must be obtained from this Division before any subsurface-injection or disposal project can begin. The operator requesting approval for such a project must provide to the Division any data required by the rules for the proper evaluation of the proposed project.

- a) If the applicant satisfies requirements of the Act and Rules the Department shall issue a permit.
- b) A permit shall not be issued where a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.
- c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence.
- d) Permits are not transferable prior to the drilling of the well.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.260 Application for Approval of Enhanced-Recovery-Projects Change of Well Location

- a) An enhanced-recovery project shall be permitted only by permit of the Division of Oil and Gas after notice and hearing.
- b) The application for a permit authorizing an enhanced-recovery project shall contain the following:
 - i) The names and addresses of the operator or operators of the project.
 - 2) A plat showing the lease, group of leases or unit included within the proposed project; the location of the proposed injection well or wells and the location of all oil and gas wells, including abandoned and drilling wells and dry holes; and the names of all operators offsetting the area encompassed within the project.
 - 3) The common source of supply in which all wells are currently

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

completed:

- 4) The name, description, and depth of each common source of supply to be affected.
- 5) A log of a representative well completed in the common source of supply.
- 6) A description of the existing or proposed casing program for injection wells, and the proposed method of testing casing.
- 7) A description of the injection medium to be used, its source, and the estimated amounts to be injected daily.

No well may be drilled at a location other than that specified on the permit except as provided in Subpart D.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)

- a) Each application for the approval of a new enhanced-recovery injection well or disposal well shall be filed on Form OG-3. An application for the approval of an injection well which is a part of a proposed enhanced-recovery operation may be consolidated with the application for the approval of the enhanced-recovery project area.
- b) The application for the approval of an enhanced-recovery injection or disposal well or wells shall be accompanied by:
 - i) A plat showing the location and total depth of the well or wells and each abandoned, producing or drilling well and dry hole within one-half mile of the enhanced-recovery injection well or disposal well, and identifying the surface owner of the land on which the enhanced-recovery injection or disposal well is to be located, and each operator of a producing leasehold with one-half mile of each enhanced-recovery injection or disposal well.
 - 2) If the well has been drilled, a copy of the Completion Report and any available electric or radioactivity log of the well.
 - 3) A schematic diagram of the well showing:
 - A) The total depth of plug-back depth of the well.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- B) The depth-of-the-injection-or-disposal-interval--
- C) The-geological-name-of-the-injection-or-disposal-zone--
- B) The--depths-of--the--tops--and--bottoms-of--the--casing--and--cement--to--be--used--in--the--well--
- E) The-size--of--the--casing--and--tubing--and--the--depth--of--the--packer--
- 4) Information-showing-that-injection--into--the--proposed--zone--will--not--initiate--fractures--through--the--overlying--strata--which--could--enable--the--injection--fluid--or--formation--fluid--to--enter--freshwater--strata--

- A) When-the-fluid--injection-rate-is-1000-barrels--per-day--or--less--or--equivalent--rate--for--any--fraction--of--24--hours--

-An-overlying--strata--of--at--least--200--feet--in--thickness--between--the--lowest--base--of--fresh--water--and--the--top--of--the--proposed--interval--of--injection--is--considered--sufficient--evidence--of--fresh--water--protection--

- B) When-the-fluid-injection-rate-is-greater-than-1000-barrels-per-day-or-equivalent-rate-for-any-fraction-of-24-hours:

An-overlying--strata--of--at--least--500--feet--in--thickness--between--the--lowest--base--of--fresh--water--and--the--top--of--the--proposed--interval--of--injection--is--considered--sufficient--evidence--of--fresh--water--protection--

- C) If-the-overlying--strata-is-less-than-required--in-(A)--and--(B)--above--the--Division--may--administratively--approve--injection--provided--a--finding--is--made--that--such--injection--will--not--initiate--fractures--through--the--overlying--strata--into--the--fresh--water--strata--Applicant-is-required-to--furnish--the--Division--sworn--evidence--and--data--in--support--of--such--findings--

- 5) Proposed-operating-data--

- A) Daily-injection-rates-and--pressures--

- B) Geological-name,-depth--and--location--of--injection--fluid--source--

- C) Standard-laboratory--analysis-of--fresh--water--from--two--or--more--fresh--water--wells--within--one--mile--of--proposed

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

enhanced--recovery--injection--or--disposal--well--showing--location--of--wells--and--dates--samples--were--taken--or--statement--why--samples--were--not--submitted--

- B) Standard-laboratory--analysis-of-representative--sample-of--water--to--be--injected--as--part--of--a--disposal--or--secondary--recovery--operation--

- E) Geological-name--of--injection--zone--and--vertical--distance--separating--top--of--injection--zone--from--base--of--lowest--freshwater--strata--

- F) Geological-name-of-freshwater-zone,-if-known,-and-depth-of--base-of-fresh-water--

c)-

- 1) Notice-that-an-application-has-been-filed-shall-be-published-by--the--applicant--in--a--newspaper--of--general--circulation--and--published--in--the--county--in--which--the--injection--or--disposal--well--is--located--The--applicant--shall--file--proof--of--publication--prior--to--the--hearing--or--administrative--approval--The--notice--shall--include--the--name--and--address--of--applicant--location--of--proposed--well--geologic-name--and--depth--of--injection--zone--maximum--injection--pressures--and--maximum--B/D--injection--rate--

- 2) A-copy-of--the--notice--shall--be--mailed--to--the--owner--of--the--surface--of--the--land--on--which--the--injection--or--disposal--well--is--to--be--located--and--to--each--operator--of--a--producing--leasehold--within--one-half--mile--of--the--well--location--Copy--of--evidence--of--mailing--shall--accompany--the--application--

- d) Except-as--provided--in--Subpart--B--Sections--240-210-(f)--and--240-240--(c)--that--if--a--written--objection--to--the--application--is--filed--within--fifteen--(15)--days--after--the--application--is--published--or--if--a--hearing--is--required--by--the--Mining--Board--the--application--shall--be--set--for--hearing--if--no--objection--is--filed--and--the--Division--of--Oil--and--Gas--does--not--require--a--hearing--the--permit--shall--be--issued--The--Mining--Board--will--require--a--hearing--only--if--problems--with--the--application--cannot--be--resolved--without--one--

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.280 Duration of Underground Injection Well Orders (Repealed)

- a) Permits-authorizing-injection-into-enhanced-recovery-injection-wells--and--disposal--wells--shall--remain--valid--for--the--life--of--the--well--unless--revoked--by--the--Division--of--Oil--and--Gas--for--just--cause--

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- b) An Order or Permit granting underground injection may be modified, revoked and reissued, or terminated during its term for cause. This may be at the request of any interested person or at the Division of Oil and Gas's initiative. All requests shall be in writing and shall contain facts or reasons supporting the request.
- c) An Order or Permit may be revoked and reissued and modified, after notice and hearing, if:
- 1) There is a substantial change of conditions in the enhanced recovery injection well or the disposal well operation, or there are substantial changes in the information originally furnished;
 - 2) Information as to the permitted operation indicates that the cumulative effects on the environment are unacceptable.

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)

SUBPART C: TRANSFER-OF-OWNERSHIP-AND-BONDING PERMIT
APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.300 Applicability

The provisions of this Subpart apply to Class II UIC wells.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.310 When Bonds Required--Amount--(Revised) Application for Permit to Drill, Deepen or Convert to a Class II UIC Well

- a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.
- b) Application for a permit to drill, deepen or convert to a Class II UIC well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart L.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

following the date of notification.

- d) ANY WELL FOR WHICH A PERMIT IS REQUIRED UNDER THE ACT, OTHER THAN A PLUGGED WELL, WHICH WAS DRILLED PRIOR TO THE EFFECTIVE DATE OF THE ACT AND FOR WHICH NO PERMIT HAS PREVIOUSLY BEEN ISSUED, IS REQUIRED TO BE PERMITTED. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart L. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of \$100.00. AFTER AUGUST 14, 1991, ANY UNPERMITTED WELL TO WHICH THIS SUBPART APPLIES WILL BE DEEMED TO BE OPERATING WITHOUT A PERMIT AND SUBJECT TO THE PENALTIES SET FORTH IN THE ACT. (Ill. Rev. Stat. 1990 Supp., Ch. 96 1/2, par. 5418)

(Source: Former Section reclassified to Section 240.1210; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.320 Kind-of-Bond--Execution--(Revised) Contents of Application

The application for a permit to drill, deepen or convert shall include:

- a) The name of the well.
- b) The surveyed location and ground elevation of the well. A survey is not required for a converted or deepened well, a drilled out plugged hole if the original well location was surveyed, or for a well permitted under Section 240.310(d).
- c) A map showing:
 - 1) the boundaries of the leasehold or enhanced oil recovery unit, if applicable;
 - 2) the names of all permittees of producing leaseholds within 1/4 mile of the proposed Class II UIC Well;
 - 3) the location of the well proposed to be drilled, deepened or converted;
 - 4) the wells from which fresh water analyses were obtained in accordance with Section 240.350; and
 - 5) the location of all wells penetrating the proposed injection interval within the 1/4 mile area of review as defined in Section 240.360.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

d) If the well is not located within the boundaries of a leasehold or enhanced oil recovery unit, the applicant shall submit documentation showing the applicant's right to drill and to operate the well.

e) A statement as to whether such proposed well location is within the limits of any incorporated city, town, or village. If the consent of municipal authorities for the drilling of a well is required, a certified copy of the official consent must be submitted.

f) The name and address of the drilling contractor, and the type of drilling tools or equipment to be used.

g) If the well is located over an active mine, temporarily abandoned mine or within the undeveloped limits of a mine, or if the coal rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1305 of this Part.

h) The proposed well construction and operating parameters in accordance with Section 240.340 of this Part.

i) Evidence of notification required under Section 240.370.

j) Information regarding groundwater and potable water supplies in accordance with Section 240.350.

k) Cementing, casing and plugging records for all wells penetrating the inflection interval within the 1/4 mile area of review in accordance with Section 240.360.

(Source: Former Section recodified to Section 240.1220; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.330 Bond--of--Manager--(Recodified) Authority of Person Signing Application

a) All applications for permits to drill, deepen, or convert to a Class II UTC well shall identify whether the owner of the right to drill and to operate the well is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner.

b) If the owner is an individual, the application shall be signed by the individual. If the owner is a partnership, the application shall be signed by a general partner. If the owner is a corporation, the application shall be signed by an officer of the corporation.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

c) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the application.

d) The entity or person to whom the permit is issued shall be called the Permittee and shall be responsible for all regulatory requirements relative to the well.

e) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Former Section recodified to Section 240.1230; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.340 Bond-Form--Approval--(Recodified) Proposed Well Construction and Operating Parameters

a) Well Construction Records for Conversion Wells
If the application is for the conversion of a previously drilled well, the applicant shall:

- 1) submit a complete copy of all available geophysical logs run on the well; and
- 2) submit a copy of the initial Completion Report or casing and cementing records of the well; and
- 3) establish external mechanical integrity in accordance with Section 240.770(c) of this Part.

b) Schematic Diagram
The applicant shall submit a schematic diagram of the proposed injection well showing:

- 1) the total depth and plugged back depth of the well;
- 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
- 3) the sizes and depths of all casing in the well, and any additional casing to be used in the well;
- 4) the amount of cement used for each string of casing in the

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

well, and any additional cement to be used in the well;

5) the size of the tubing and setting depth of the packer;

6) the top and bottom depths of all perforated intervals in the casing; and

7) the geologic name and the depth of the top and bottom of the proposed injection interval.

c) Proposed Injection Rate

The applicant shall submit the proposed injection rate expressed in average barrels per day.

d) Injection Fluid

The applicant shall submit the depth and geologic name of the formation(s) from which the injection fluid is to be obtained, a standard laboratory analysis of a representative sample of the fluid to be injected and the date the sample was obtained. The sample shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The sample shall be obtained and analyzed no earlier than one (1) year prior to the date of filing of the application.

e) Proposed Maximum Injection Pressure

1) The applicant shall submit the proposed maximum injection pressure in accordance with the following formula:

$$M.I.P. = (.80 - (.433 \times Sp.Gr.)) \times Depth - 14.7$$

where

M.I.P. = maximum allowable injection pressure

Sp.Gr. = specific gravity of the injection fluid

Depth = depth of the top of the injection interval

2) If the proposed maximum injection pressure exceeds the amount calculated in accordance with subsection (e)(1) above, the applicant shall submit information showing that the proposed maximum injection pressure will not initiate or propagate fractures in the injection interval or overlying strata that could enable the injection fluid or the fluid in the injection interval to leave the permitted injection intervals. The types

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

of information that will be considered acceptable by the Department include, but are not limited to:

A) A copy of the ticket and pressure chart from a "frac" or "acid" treatment in the injection interval in the proposed well, or of the same interval in a nearby well, which shows the Instantaneous Shut-In Pressure (ISIP). The maximum allowable injection pressure shall be ten percent (10%) less than the ISIP measured at the surface unless the specific gravity of the treatment fluid is less than the specific gravity of the proposed injection fluid, in which case the ISIP shall be measured at the injection interval.

B) The results of step rate tests which show that the proposed maximum injection pressure will not propagate fractures allowing the injection fluid to migrate out of the permitted injection interval.

(Source: Former Section recodified to Section 240.1240; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.350 Surety-May-Cancei--Bond--(Recodified) Groundwater and Potable Water Supply Information

a) The applicant shall submit a statement certifying there are no potable water wells located within two hundred (200) feet of the proposed Class II UIC well, and no municipal water supply wells located within two thousand five hundred (2500) feet of the proposed Class II UIC well.

b) Fresh Water Analyses

1) The applicant shall submit a standard laboratory analysis of fresh water from two (2) or more fresh water wells located within one (1) mile of the proposed injection well and showing the location and depth of the well, and dates the samples were obtained. The samples shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The samples shall be obtained and analyzed no earlier than one (1) year prior to the date of filing of the application. The locations of the well from which the fresh water samples were obtained shall also be shown on the map required in Section 240.320.

2) If, due to circumstances beyond his control, the applicant cannot obtain the analysis required under (b)(1) above, the applicant shall submit in lieu of such analysis a statement

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

explaining why the analysis could not be obtained.

(Source: Former Section recodified to Section 240.1250; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.360 Mining-Board-May-Canceled-Bond-(Recodified) Area of Review

a) The area of review shall include all wells located within one-fourth (1/4) mile of the proposed Class II UIC well, including directionally and horizontally drilled wells, which penetrate the injection interval within one-fourth (1/4) mile of the proposed Class II UIC well.

b) The applicant shall submit evidence that all wells which penetrate the injection formation within the area of review contain an adequate amount of cement and are constructed or plugged in a manner which will prevent the injection fluid and the fluid in the injection formation from entering the freshwater zone. The types of evidence that will be considered acceptable by the Department include, but are not limited to: well completion reports, cementing records, well construction records, cement bond logs, tracer surveys, oxygen activation logs, and plugging records.

c) The applicant shall submit evidence for all wells which penetrate the injection formation within the area of review and which are determined by the Department to contain an inadequate amount of cement or are inadequately constructed or plugged, that injection into the proposed well and formation will not cause contamination of the freshwater zone. The Department shall have the authority to determine if the submitted information is acceptable as showing that the freshwater zone will not be contaminated through said well(s).

(Source: Former Section recodified to Section 240.1260; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.370 Casing-Puiter's-Bond-(Recodified) Public Notice

a) Contents of Notice and Publication
Public notice shall be given no earlier than 30 days prior to the filing of the application. A notice that an application for a permit to drill, deepen or convert to a Class II UIC well has been or will be filed with the Department shall be published by the applicant in a newspaper of general circulation and published in the county in which the proposed injection well is to be located. The applicant shall submit the original of the Certificate of Application to the Department prior to approval of the application. The notice shall include:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) the name and address of the applicant;
- 2) the date the application was filed;
- 3) the legal description of the location of the proposed injection well;
- 4) the geologic name and depth of the injection interval(s);
- 5) the proposed maximum injection pressure and maximum injection rate;
- 6) the address and telephone number for the Oil and Gas Division of the Department; and
- 7) a statement that the public has fifteen (15) days from the date of publication to comment on the application and that comments must be made in writing to the Department.

b) Notice Within the Area of Review

A copy of the published notice, or a letter containing the same information as in the notice, shall be mailed by Certified Mail-Return Receipt Requested to the owner of the surface of the land on which the proposed injection well is to be located, and to each permittee of a producing leasehold and the owner or manager of all mines, including the mined-out area and undeveloped limits of all mines, located within one-fourth (1/4) mile of the proposed Class II UIC well. Evidence of mailing shall be submitted to the Department prior to approval of the application. The returned Certified Mail receipt card, or a photostatic copy of such, shall serve as evidence of mailing.

c) Objections

If a written objection to the application is filed within fifteen (15) days after the date of publication of the notice of application, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

d) Public Hearing

- 1) Any public hearing held pursuant to subsection (c) above shall be an informal hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

by the objection.

- 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing such notice by United States mail, postage prepaid, addressed to their last known home addresses.
- 3) A certified court reporter shall record the hearing at the Department's expense.
- 4) A Hearing Officer designated by the Department shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determines such evidence is irrelevant, immaterial, unduly repetitious, or of such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.
- 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.
- 6) Within ten (10) days of the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

(Source: Former Section recodified to Section 240.1270; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.380 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and Rules, the Department shall issue a permit.
- b) A permit shall not be issued where a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.
- c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence.
- d) Permits are not transferable prior to the drilling of the well.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)
Section 240.390 Permit Amendments

a) Change of Injection Interval

- 1) The permittee shall not change to an unpermitted injection interval without obtaining a permit amendment from the Department.
- 2) The permittee shall make application for amendment on a form provided by the Department.
- 3) The application for amendment shall include all the information or data required under and be in accordance with Sections 240.320 and 240.330, except that a survey under Section 240.320(b) is not required.

b) Change in Injection Pressure or Rate

- 1) The permittee shall not inject at a pressure or rate greater than the maximum permitted pressure or rate without obtaining a permit amendment from the Department.
- 2) The permittee shall make application for amendment on a form prescribed by the Department.
- 3) The application for amendment shall include all of the information or data required under and be in accordance with Sections 240.330 and 240.340(c) and (e).

c) Change in Well Location

No well may be drilled at a location other than that specified on the permit except as provided in Subpart D of this Part.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

- a) All Class II UIC wells permitted as injection or disposal wells prior to July 1, 1987 that have not previously been reviewed in conjunction with the Department's Class II UIC Program shall be reviewed by the Department to establish:

- 1) current injection intervals;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 2) maximum injection pressures and rates in accordance with Section 240.340(c) and (e); and
- 3) compliance with well construction requirements for existing Class II UIC wells in accordance with Sections 240.730, 240.740 and 240.770 of this Part.
- b) Within thirty (30) days of receiving written notice of a well review under this Section, the permittee shall submit all requested information and records necessary to enable the Department to complete its review and update of the permit.
- c) Based upon the review, the Department shall either:
 - 1) update the Class II UIC well permit for specified injection intervals with maximum injection rate and pressure; or
 - 2) notify the permittee of any remedial work that must be completed to bring the well into compliance.
- d) If the Department notifies the permittee that remedial work is necessary, the permittee shall shut in the well until such work is completed.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

SUBPART D: SPACING OF WELLS

Section 240.410 General Spacing Rules Drilling Units

The Mining Board shall not issue a permit for the drilling or deepening of a well for the production of oil or gas within the State of Illinois unless the proposed well location and spacing substantially conform to the following:

- a) Wells Drilled or Deepened to Sandstone or Limestone Formations
 - 1) The well shall be located not less than 330 feet from the two nearest external boundary lines of a drilling unit which shall be established by the Mining Board and shall consist of:
 - A) a minimum of ten (10) acres of surface area to an individual well drilled or deepened for the production of oil or gas from a sandstone formation; or
 - B) a minimum of twenty (20) acres of surface area to an individual well drilled or deepened for the production of oil or gas from a limestone formation;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 2) provided; however, the Mining Board may permit the allocation of greater acreage to an individual well than that above specified whenever the Mining Board deems it to be practical or expedient to do so;
- b) Drilling Unit
 - 1) The drilling unit for a well to be drilled or deepened for the production of oil or gas from a sandstone formation shall consist of ten (10) acres of surface area lying within the quarter-quarter section of land as established by the official United States Public Land Survey made pursuant to the provisions of an Act of Congress.
 - 2) The drilling unit for a well to be drilled or deepened for the production of oil or gas from a limestone formation shall consist of twenty (20) acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land as established by the official United States Public Land Survey made pursuant to the provisions of an Act of Congress.
- c) Separately-Owned Tracts Within Drilling Unit
 - 1) When two or more separately-owned tracts of land are embraced within a proposed drilling unit, the Mining Board shall establish the boundary lines of such drilling unit and shall require the owners of any interest in the oil and gas underlying such separately-owned tracts to integrate their interests and develop said lands as a drilling unit before a permit is issued to drill or deepen a well thereon for the production of oil or gas.
 - 2) In the event the owners of any interest in the oil and gas underlying such separately-owned tracts in a proposed drilling unit have not agreed to integrate their interests and develop said lands as a drilling unit, then such owners of either tract may file with the Mining Board an application for a permit to drill or deepen a well for the production of oil or gas. The applicant shall furnish all pertinent data and information requested or required by the Mining Board. Whereupon the Mining Board shall after notice to all parties in interest and hearing on said application, enter an order either approving or denying said application; and, if approved, the Mining Board shall by said order, require the integration of such separately-owned tracts in the established drilling unit and may in said order allocate a portion of the production to the owner of each tract and designate the owner or operator to develop and operate the integrated unit.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- d) Twin Wells
Twin wells may be drilled on a drilling unit to different sandstone or limestone formations, allocating the acreage in the drilling unit for each producing formation as above provided.
- e) Wells Within Corporate Limits
A certified copy of the official consent of the municipal authorities to drill or deepen a well located within the limits of any city, incorporated village, or town must accompany the application for a permit. A certified copy of consent of the municipal authorities is also required for an amended location.

f) Exceptions

- 1) Whenever the topographical conditions of a drilling unit render it impractical, without unreasonable expense, to drill a well at a location in conformity with the spacing rules, the Mining Board may alter the location after investigation and verification of the topographical conditions.
- 2) In those areas where the U.S. Government has not made an official survey, in areas covered by the old French Surveys and Grants, in meandered lands, in government lots, and in subdivisions thereof where the acreage in quarter-quarter sections and quarter-quarter sections does not conform to the spacing and drilling requirements of the law and the rules and regulations, the Mining Board shall have the authority to establish drilling units and to grant exceptions for wells when such drilling units are approximately ten (10) acres for sandstone horizons and twenty (20) acres for limestone horizons and will not cause a greater well density than would be encountered in regular official surveys.
- 3) In case of irregular sections containing more or less than 640 acres, the Mining Board shall have the authority to allow exceptions or create units other than quarter-quarter sections in sandstone horizons and other than half quarter-quarter sections in limestone horizons so as to allow approximate units of ten (10) acres in sandstone and twenty (20) acres in limestone horizons in order to absorb the entire acreage in such sections into units as aforesaid.
- 4) Gas, air, water, or other liquid input wells, salt water disposal wells, and structure tests are exempt from any spacing requirements.
- 5) In order that a proposed well may be located over an existing or

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- proposed pit or a mine property, the foregoing spacing requirements may be waived by the Mining Board when the well to be drilled or deepened for oil or gas will penetrate an active mine, the mined out or inaccessible portion of an active mine, a temporarily abandoned mine, or the undeveloped limits of any such mine property.
- 6) Each person desiring the Mining Board to grant an exception for a reason other than those specified in paragraphs (1), (2), (3), (4), and (5) of this subsection (f) shall submit with his application for permit a statement setting forth the desired exception and the reasons or necessity therefor, and giving in detail the action the applicant has taken in such matter. The applicant shall notify, by registered mail on or before the day the application is filed with the Mining Board, the owner or manager of every oil and gas well within one-half (1/2) mile radius of the proposed well location, and proof of such notice shall accompany said application. Upon receipt, the Mining Board shall hold such application and proof of notice ten days for possible objections. In the event objection is made within such time or the Mining Board shall give notice to each owner or manager listed in the proof of notice, and to the applicant, of the date and place designated by the Mining Board for such hearing. After such hearing the Mining Board shall either issue or deny the permit.

Oil Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of oil within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:

- 1) ten (10) acres of surface area lying within the quarter-quarter section of land as established by the official United States Public Land Survey for wells drilled or deepened for the production of oil from a reservoir other than limestone/dolomite, the top of which lies less than four thousand (4,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit; or
- 2) twenty (20) acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land as established by the official United States Public Land Survey for wells drilled or deepened for the production of oil from a limestone/dolomite reservoir, the top of which lies less than four thousand (4,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

from the nearest external boundary lines of the drilling unit; or

- 3) forty (40) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a reservoir, the top of which lies at or below four thousand (4,000) feet beneath the surface; the location of the well shall be not less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than nine hundred (900) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir.

b) Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of gas within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:

- 1) ten (10) acres of surface area lying within the quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir other than limestone/dolomite, the top of which lies less than two thousand (2,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit; or

- 2) twenty (20) acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a limestone/dolomite reservoir, the top of which lies less than two thousand (2,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit; or

- 3) forty (40) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir, the top of which lies between two thousand (2,000) feet below the surface, and five thousand (5,000) feet or the top of the Trenton Formation, whichever depth is greater; the location of the well shall not be less than three hundred thirty (330) feet from the nearest

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

external boundary lines of the drilling unit nor less than nine hundred (900) feet from the nearest location of a producing well or well being drilled or for which a permit has previously been issued but not yet drilled for a well to the same individual reservoir.

4) Establishment of Drilling Units for Deep Gas

- A) In the case of wells drilled or deepened for the production of gas from a reservoir lying below five thousand (5,000) feet or the top of the Trenton formation, whichever depth is greater, no permit shall be issued for an exploratory well unless the proposed spacing and well location provide for a minimum of 160 acres of surface area lying within a quarter section of land (as established by the official United States Public Land Survey) with the well location not less than six hundred sixty (660) feet from the nearest external boundary line of the drilling unit.

- B) After completion of the exploratory well or wells, but prior to commencement of production activities, application shall be made to the Department for the adoption of rules establishing spacing and well location requirements for the reservoir or reservoirs completed. The application shall identify the lands underlying the reservoir or reservoirs for which spacing and well location rules are requested, and shall include any geological, engineering or economic data, studies or reports upon which the requested spacing and well location rules are based.

- C) Within twenty (20) days after receipt of the application, the Department shall submit proposed spacing and well location rules for the reservoir or reservoirs in accordance with Section 5.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 1005.01), which shall include notice of a public hearing to be commenced no later than twenty (20) days after publication of the notice of proposed rulemaking in the Illinois Register. In addition to the notice requirements of the Illinois Administrative Procedure Act, the applicant shall give notice of the public hearing to all permittees of record of oil or gas wells within 1/2 mile of the area described in the proposed rules by first class mail, postage pre-paid, and by publication in a newspaper of general circulation in each county in which any portion of the area described in proposed rules is located at least ten (10) days prior to the public hearing.

- D) The public hearing shall be conducted in accordance with

the provisions of subsections (d)(4) and (d)(5) of Section 240.370. The Department shall fully consider the record from the public hearing and any other public comment received during the first notice period, and, prior to commencement of the second notice period, shall make such changes to the proposed rules as may be necessary to prevent waste, protect correlative rights and prevent the unnecessary drilling of wells.

5) For the purposes of this Subpart:

A) "Gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons in a gaseous state which may or may not be associated with oil, including those liquids resultant from condensation, but not including casing head gas; and

B) "Gas well" means a well with a gas to oil production ratio equal to or greater than 10,000 cubic feet of gas to 1 barrel of oil.

c) Coalbed Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of coalbed gas from unmined seams of coal unless the proposed well location and spacing conform to drilling unit requirements of ten (10) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey); the location of the well shall be not less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit.

d) Coal Mine Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of gas from an abandoned coal mine unless the proposed well location and spacing conform to drilling unit requirements of ten (10) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey); the well location and set back requirements within the drilling unit shall not apply, but the well shall not be located less than three hundred thirty (330) feet from any property or lease boundary line.

e) Other Wells

Class II UIC wells, coal, mineral and structure test holes, observation wells, water supply wells used in relation to oil or gas production, and gas storage wells, are exempt from the requirements

of this Section.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991.)

Section 240.420 Secondary-Recovery Well Location Exceptions within Drilling Unit

Spacing--regulations-for--oil-wells--will--not--be--waived--in--areas--where--the applicant-declares--an-intention--to--undertake--a-proposed--secondary-recovery operation;--until--one--or--more--input-wells--are--first--drilled--or--other--wells--are actually-converted--to--input--wells--after--permits--have--been--issued--for--such conversion.

a) Pattern-Flood

1) When an applicant applies for a permit to drill or deepen an oil well at a location which complies with the regular spacing requirements set out in Subpart B-240.410(a), a permit shall be issued by the Mining Board.

2) When an applicant applies for a permit to drill or deepen an oil well using the same spacing pattern as that used in an adjacent pattern flood, a permit shall be issued by the Mining Board.

3) When an applicant applies for a permit to drill or deepen an oil well at a lesser distance to the boundary lines of his leasehold than are the existing oil wells in an adjacent pattern flood, the applicant shall notify, by registered mail, the owners or managers of oil wells in the established secondary recovery projects within one-half mile of the proposed well, stating his intentions as described in his application for a permit. A copy of the notification will be held by the Mining Board ten days after its receipt with the application for a permit. If no written objections are received by the Mining Board from the operators so notified, the permit shall be issued. If written objections are received by the Mining Board within the ten-day period, the Mining Board shall call a hearing to determine the merits of issuing such a permit. After such hearing the Mining Board shall either issue or deny the permit.

b) Other Floods

When the spacing of oil wells and/or input wells is not based on a geometric arrangement, as defined in the definition of a pattern flood, the following shall apply:

1) When the location of the proposed oil well requested complies with the regular spacing requirements set out in Section

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240-410(a)--a permit shall be issued by the Mining Board.

- 2) When the location of the proposed oil well requested does not comply with the regular spacing requirements set out in Section 240-410(a) the applicant shall notify, by registered mail, the owners or managers of oil wells within one-half mile of the proposed well, stating his intentions as described in the application for a permit. A copy of the notification will be held by the Mining Board ten days after its receipt with the application for a permit. If written objections are received by the Mining Board within the ten-day period, the Mining Board shall call a hearing to determine the merits of issuing such a permit. If a hearing is held, the Mining Board shall subsequently either issue or deny the permit.

e) Record-to-be-Kept

If any owner or manager of a leasehold adjoining a secondary recovery project files with the Mining Board a verified complaint stating that he has reasonable grounds to believe secondary recovery operations are being conducted on the offset leasehold in such manner as to violate or impair his right to recover the oil or gas underlying his leasehold premises, the Mining Board may require the owner or manager of such secondary recovery project to submit to the Mining Board his or its records and data showing the average production from said leasehold, the formation or formations subjected to such secondary recovery operations, and the daily injection volume and pressure of each input well thereon, during the period of two full calendar months preceding the filing of such complaint. If such records have not been kept by such owner or manager, the Mining Board may require that the same be kept for a specified period of time, not to exceed two full calendar months, and furnished to the Mining Board. The information or data submitted by the owner or manager of such secondary recovery project shall be confidential except that the Mining Board may exhibit the same to complainant. This rule shall not be construed to prevent the Mining Board from taking any other action authorized by the Act which it may deem necessary in order to prevent waste.

- a) Whenever the topographical conditions (e.g. hills, creeks, ponds, lakes) or cultural features (e.g. buildings, roadways, powerlines, pipelines) of a drilling unit render it impractical to drill an oil or gas well at a location conforming to the requirements of Section 240.410, an oil or gas well may be drilled at a nonconforming location as follows:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) the permittee is allowed, without prior approval from the Department, to move the location a maximum of thirty (30) feet from the permitted location, provided the amended location is not closer than 330 feet (or other applicable setback) to the nearest lease boundary line, and provided the amended location is surveyed and an amended application, showing the amended location and the reason the location was moved, is submitted to the Department within ten (10) days of moving the location.
- 2) If the proposed well location is more than thirty (30) feet from a location conforming to the requirements of Section 240.410, an application must be submitted showing the proposed location and the reason the location is requested. Approval for such location must be received from the Department prior to the commencement of drilling. If the proposed location is less than 330 feet (or other applicable setback) from the nearest lease boundary line, the application shall be accompanied by a written agreement or agreements between the applicant and any leaseholders or mineral rights owners (if no leaseholders exist) whose leases or mineral rights are adjacent to and less than 330 feet (or other applicable setback) from the proposed location. In lieu of the submission of a written agreement or agreements, the applicant shall give notice by certified mail, return receipt requested, to any leaseholders or mineral rights owners (if no leaseholders exist) whose leases or mineral rights are adjacent to and less than three hundred thirty (330) feet (or other applicable setback) from the proposed location. The notice shall include the proposed location of the well and the reason the location is requested, and shall inform the leaseholders or mineral rights owners that they may file written objections with the Department within fifteen (15) days after service of the notice. If a written objection is received, the matter shall be set for hearing, which shall be conducted in accordance with the provisions of Section 240.370(d) of this Part.
- 3) In determining whether to approve a proposed nonconforming location, the Department will consider the feasibility and expense of drilling on location, any hazard or damage to persons or property or to the environment, and whether the proposed location would adversely affect the correlative rights of any of the owners of the reservoir or result in waste of the drilling of unnecessary wells.
- b) If at the time of application, a lease immediately adjacent to a proposed drilling unit has producing wells located less than 330 feet from the common boundary line, then a well on the proposed drilling

DEPARTMENT OF MINES AND MINERALS

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

unit may be located at a distance closer than 330 feet but no closer than the distance to the common boundary line of the immediately offsetting well.

- c) If a drilling unit is located over an active mine, the mined-out or inaccessible portion of an active mine, an abandoned mine, or the undeveloped limits of a mine, the proposed well can be located so that it will be drilled into an existing or proposed mine pillar subject to the conditions and limitations set forth in subsections (a) and (b) above.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.430 Nonconforming Well-to-be-Plugged Drilling Unit Exceptions

~~Any well drilled in violation of the permit issued--therefor shall not be allowed to produce oil or gas, but after notice and hearing by the Mining Board the said well shall be plugged and abandoned--unless an exception be granted by the Mining Board.~~

- a) In the case of irregular sections containing more or less than six hundred forty (640) acres, in those areas where the United States Government has not made an official survey, in areas covered by the old French Surveys and Grants, in meandered lands, in government lots, and in subdivisions thereof where the acreage in quarter-quarter sections and quarter-quarter sections do not conform to the requirements of Section 240.410, the Department shall establish drilling units for wells such that drilling units will not cause a greater well density than would be encountered in regular official surveys.

- b) If the proposed oil wells will be part of an enhanced oil recovery project, spacing requirements for oil or gas production wells are as follows:

- 1) Except as provided in subsection (2) below, the drilling unit and well location requirements of Section 240.410 do not apply to an oil well which is part of an enhanced oil recovery project. For purposes of this subpart, an enhanced oil recovery project is a lease, or a unit composed of a group of leases operating under an agreement which provides for the sharing of production by all of the owners within the unit, which has one or more enhanced oil recovery injection wells permitted and in operation at the time an application for a permit to drill and operate an oil well is filed. The enhanced oil recovery injection wells in operation must be injecting into the

reservoir which will be produced in order for the project to classify as an enhanced oil recovery project.

- 2) Oil wells permitted and drilled in accordance with this section must be located no less than 330 feet of the nearest lease boundary line or unit boundary except that, if at the time of application a lease immediately adjacent to the proposed well has producing wells located less than 330 feet from the common boundary line, then the proposed well may be located at a distance closer than 330 feet, but no closer than the distance to the common boundary line of the immediately offsetting well.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.440 More Than One Well on a Drilling Unit

More than one well may be drilled on a drilling unit to different reservoirs, allocating the acreage in the drilling unit for each producing reservoir as specified in Section 240.410.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.450 Directional Drilling

For a directionally drilled well, the drilling unit shall be established and the well permitted with reference to the location of the well where it is proposed to be completed. All portions of the reservoir exposed in the well bore shall meet the well location and spacing requirements specified in Section 240.410.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.460 Special Drilling Units Based Upon Reservoir Characteristics

- a) Upon application of any person having an interest in oil or gas in all or a portion of a reservoir, the Department shall schedule a public hearing to consider the establishment of a special drilling unit or units for all or a portion of a reservoir for the production of oil or gas.

- b) Notice of hearing shall be given by the applicant to all mineral owners within the boundaries set forth in the application, and to all permittees having oil or gas wells within one-half (1/2) mile of the boundaries by certified mail, return receipt requested, and by publication in a newspaper of general circulation in each county in which any portion of the proposed drilling unit or units is located.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

at least ten (10) days prior to the hearing.

- c) If the Department finds, based on the reservoir's geological and engineering characteristics, that a special drilling unit or units is necessary to prevent waste, to protect correlative rights, and to prevent the unnecessary drilling of wells, the Department shall enter an order establishing such drilling unit or units. Each order shall:

- 1) specify the reservoir or portion thereof, and the shape and size of each drilling unit (which shall be uniform for all drilling units); and
- 2) specify the set back from the drilling unit boundaries for the location of the oil or gas well on each drilling unit.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

SUBPART E: DRILLING AND CASING PROCEDURES

Section 240.510 Rotary Drilling Procedure (Repealed)

- a) To protect fresh water stratum--the following rules on "Drilling Procedure" shall apply to wells drilled with rotary tools:

- b) It is incumbent on the operator to ascertain and set suitable and safe surface casing in all wells drilled from the effective date of these rules. In all wells drilled in areas where pressure and formation are unknown, sufficient surface casing shall be run to reach a depth below all utilized fresh water levels and shall be of sufficient size to permit the use of an intermediate string of casing. Surface casing shall be set in or through an impervious formation, and shall be cemented by the pump and plug or displacement method with sufficient cement to circulate to the top of the hole.

- c) In wells drilled in areas where the subsurface conditions have been established by drilling experience, surface casing size at the operator's option shall be set and cemented to the surface by the pump and plug or displacement method at a depth to protect all utilized fresh water.

- d) Cement shall be allowed to set under pressure before drilling the plug in accordance with standards prevailing in the area.

- e) In lieu of surface casing requirements as set out herein and at the option of the operator the flow string may be cemented by the pump and plug or displacement method with sufficient cement to protect all utilized fresh water stratum.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- f) In the event that it is later determined that utilized fresh water strata exist below the surface casing in a producing oil, gas or service well, then the operator, contractor, or owner shall under the supervision of a representative designated by the Mining Board, cause the flow string to be perforated and squeezed with cement to protect such fresh water strata, or take such other measures for the protection of such fresh water strata as are ordered by the Mining Board after notice and hearing.

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.520 Cable Tool Drilling Rules (Repealed)

- a) Before commencing to drill, proper and adequate wash pits shall be constructed for the reception of mud of sufficient quality and quantity so that such mud may be available if and when the hole is plugged.

- b) Where cable tools are used, sufficient surface casings shall be set to protect all utilized fresh water levels, and subsurface casing shall be cemented by the pump and plug or displacement method with sufficient cement, provided further that any hole drilled by cable tools where fresh water stratum is encountered fifty (50) feet or less from the surface, methods other than noted above may be used in setting surface casing, provided such method protects all utilized fresh water stratum.

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)

SUBPART F - WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS
FOR PRODUCTION WELLS PRODUCTION AND INJECTION WELLS
OPERATING REQUIREMENTS

Section 240.600 Applicability

The provisions of this Subpart apply to wells drilled for the production of oil or gas, or wells drilled for water supply in connection with an enhanced oil recovery project.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.610 Return-of-Completion-Card Construction Requirements for
Production Wells

A completion card will be attached to each drilling permit issued by the Mining Board. Upon completion of the well for which the permit is issued, the owner, manager, or operator of said well shall furnish the information

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

requested thereon, and shall mail the same promptly, addressed to the Oil and Gas Division of the Department of Mines and Minerals, Springfield, Illinois.

a) Surface Casing Requirements for Wells Drilled After the Effective Date of this Section.

1) Steel surface casing shall be set to a depth of at least one hundred (100) feet, or fifty (50) feet below the base of the fresh water, whichever is deeper.

2) Surface casing shall be set under the supervision of a Department Well Inspector and the permittee shall give at least twenty-four (24) hours notice to the Well Inspector prior to setting the surface casing.

3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.

4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than four (4) hours.

5) In lieu of surface casing, the permittee, upon request and approval from the Department, may circulate cement to the surface behind the production casing. In determining whether to approve the request, the Department will evaluate the depth of the well, the depth of the fresh water and the cementing procedures. If approved, the production casing must be cemented under the supervision of a Department Well Inspector.

b) Production Casing Requirements for Wells Drilled After the Effective Date of this Section.

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of two hundred fifty (250) feet above the shallowest producing interval. The casing shall be set no higher than fifty (50) feet above the top of the uppermost producing interval in an open hole completion.

c) Production Casing Requirements for Existing Wells

1) For all existing wells without production casing:

A) If surface casing was previously set, production casing shall be set and cemented a minimum of two hundred fifty (250) feet in accordance with subsection (b) above.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

B) If surface casing was not previously set, production casing shall be set and cemented to surface in accordance with subsection (a)(5) above.

2) Wells drilled prior to the effective date of this Section that contain drive pipe without cement behind the drive pipe will require no further cementing work.

d) Tubing and Packer in Flowing Wells.

All wells flowing as a result of an enhanced oil recovery project shall be produced through tubing and packer. The packer shall be set within two hundred (200) feet of the top of the producing interval and within the cemented portion of the production casing.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991.)

Section 240.620 Well-log-to-be-Filed Remedial Cementing of Leaking Wells

The Mining Board shall require any owner or manager, as defined by the Act, of any well drilled for oil or gas, to file a log strata encountered in said well and also an electric log, if one has been made, and time log is requested, in the office of the State Geological Survey, Division of the Department of Registration and Education, Urbana, Illinois, within three (3) months after the completion of said well.

If the Department determines through field observation that any well is leaking well bore fluid into the freshwater zone or onto the surface, remedial cementing shall be required. The remedial cementing shall be accomplished by:

a) perforating and squeezing cement from fifty (50) feet below the base of the fresh water to the surface, or

b) by extending small diameter tubing behind the production casing to a depth of at least fifty (50) feet below the base of the fresh water and circulating cement to the surface.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991.)

Section 240.630 Contents of Well-log Operating Requirements

a) Such logs shall show:

i) The name, number, location and elevation of the well in accordance with the description required by the Mining Board in the application for the permit to drill such well;

- 2) The name, character, depth and the thickness of the formations passed through or encountered in the drilling of such well and the depth and thickness of each oil, gas, or water-bearing formation or strata encountered;
- 3) The depth and thickness of coal beds and deposits of mineral materials of economic value;
- 4) The results on completion whether the well was dry or productive of oil or gas, and if productive, the initial production;
- 5) If fresh water has been encountered, the approximate capacity;
- 6) The elevation above mean sea level of the point from which the depth measurements are made, stating its height above ground level at the well;
- b) The correctness of the log shall be subscribed and sworn to before a notary public, that the statements contained therein are true;
- c) When requested in writing by the owner, any or all information contained in any such log hereby required will be kept confidential until released in writing by the owner thereof or his legal representatives after its lodgment in the office of the State Geologist; however, no such information shall be kept confidential for more than one (1) year from the date of issue of the drilling permit for the particular well;
- a) The wellhead shall be maintained in a leak-free condition.
- b) All spills of saltwater or oil occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.
- c) Wells that have not produced for more than two (2) years shall be temporarily abandoned or plugged in accordance with Subpart K.
- d) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.
- e) If Hydrogen Sulfide gas (H₂S) is present in excess of 20 ppm within five (5) feet in any direction of the wellhead or the end of the

- flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H₂S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.
- (Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991).
- Section 240.640 Collection-of-Drill-Cuttings Reporting Requirements
- As provided by the Act, the Mining Board shall notify the person or persons to whom any permit is issued, at the time for the issuance thereof, either to collect or not to collect for the State Geologist Survey, drill cuttings representing each run drilled in cable-tool wells and each ten (10) feet of distance drilled and drifting time in rotary wells. When so notified by the Mining Board to collect such cuttings hereby required, the permittee shall obtain containers for such cuttings, and information as to the approved method of collecting drill cuttings from the State Geologist Survey, Urbana, Illinois.
- a) Well Completion Reports
- 1) Contents
- The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:
- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the producing zones and the type of completion treatment performed on each zone; and
- D) production rates.
- 2) Newly drilled wells
- A Well Completion Report shall be submitted to the Department within thirty (30) days after the conclusion of initial completion activities (i.e., production testing or date of first production).

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 3) Existing wells
A Well Completion Report shall be completed and submitted to the Department for each workover or recompletion of any existing production well which results in a change of the original well construction or zone of production. The Well Completion Report shall be submitted within thirty (30) days after the completion of any such workover or recompletion activity.

- 4) Non-productive Wells (Dry Holes)
A Well Completion Report shall be completed and submitted to the Department for each non-productive well or "dry hole". The Well Completion Report shall be submitted within thirty (30) days after attempted completion of the non-productive well.

b) Well Drilling Report

- 1) For all wells drilled or deepened after the effective date of this Section, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.

- 2) The Well Drilling Report shall be submitted to the State Geological Survey in Champaign, Illinois within 90 days after drilling ceases and shall contain:

- A) the name and location of the well;
 - B) drilling information;
 - C) the geologic names and depths of the formations encountered in drilling the well;
 - D) the results of all drill stem tests; and
 - E) a copy of the drilling time or geolograph record if a geophysical log was not run.
- 3) A Well Drilling Report is not required for well conversion not entailing deepening of the well.

c) Geophysical Logs

- A copy of all wire line or geophysical logs run on a well shall be submitted to the State Geological Survey within 90 days after drilling ceases.

d) Drill Cuttings

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Notification and Collection of Drill Cuttings
The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each ten feet (10') of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois.

- 2) When Drill Cuttings Required
The Department will require drill cuttings for a newly permitted well when drill cuttings have not previously been submitted for any well within one-half (1/2) mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within one-half (1/2) mile for which drill cuttings were submitted, drill cuttings will be required only from the lowest depth previously submitted to the total depth of the newly permitted well.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991).

Section 240.650 Operating--Requirements for--Enhanced-Recovery--Injection-and-Bisposal-Well's Confidentiality of Well Data

a) Initial Requirements:

- 1) Each enhanced-recovery-injection-well-or-disposal-well-shall-be completed, equipped,--operated-and-maintained-in--a-manner-that will-prevent-pollution--of-fresh-water-or-damage--to-sources-of oil-or-gas-and-will-confine--injected-fluids-to-the-interval-or intervals--approved.
- 2) Injection-of-any-substance-shall-be-through-adequate-tubing-and packer---in-addition,--for-every-enhanced-recovery--injection well-or-disposal-well, the--operator-shall-provide-a-one-fourth (1/4)--inch-female-fitting,--with-cut-off-valve,--to-the-tubing-so that--the-amount--of--injection-pressure--being--used--may--be measured--by-a-representative-of-the--Division-of-Oil-and-Gas-by attaching-a-gauge-having-a-one-fourth-(1/4)--inch-male-fitting--
- 3) Notify--the-Division--of-any--anticipated-change--in-a-project resulting-in-alteration-of-the-conditions-originally-approved--
- 4) Use-injection-piping,--valves-and-facilities-that-meet-or-exceed design-standards-for-the-maximum-anticipated-injection-pressure and--to-maintain--the-equipment---in--a--safe--and--leak-free

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

condition:-

- 5) Equip-all-injection-wells--except--steam--air-and-pipeline quality--gas-wells--with-tubing--and-a--packer-set--immediately above-the-approved-zone-of-injection--
- 6) Maintain-data-to--show-performance-of-the--project-to-establish that--no-damage--is--occurring-to--life--health--property--and natural-resources--The-data--shall-be-available--for-periodic inspection-by-Division-personnel--
- 7) Cease-injection-if-there-is--evidence-of-damage-or-upon-written notice-of-the-Division--

b) Additional requirements--or-modifications-of-the--above-requirements may--be--necessary--to--fit--specific--circumstances--and--types--of projects--Some-of-the-examples-of-such-requirements-are-as-follows:-

- 1) Injectivity-tests--
- 2) Graphs-of-oil--water-and-gas-production-vs---time--
- 3) Graphs-of--tubing-pressure--casing-pressure--and-injection-rate vs--time-for-each-injection-well--
- 4) Isobaric-maps-of-the-injection-zone--submitted-annually--
- 5) Notification-of-any-change-in-waste-disposal-methods--
- c) If-the-Division-of-Oil-and-Gas-orders-tests-or-remedial-work-that-in its-judgment-are--necessary-to-protect-underground--water--the-owner or-operator-must--within-thirty-(30)-days-of-the-order--commence-the work-ordered-and-continue-it-until-completion--

When requested in writing by the permittee, the Well Completion Report, Well Drilling Report, geophysical logs, and drill cuttings shall be kept confidential for two (2) years from the date of issuance of the permit for the particular well in accordance with the provisions of Section 3 of "The Well Abandonment Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5203, as amended by P.A. 87-744, effective September 26, 1991).

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 15493 effective October 10, 1991).

Section 240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)

- a) The-permittee--shall-contact--the-well-inspector--for-the--county-in

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

which-the-well-is--located-at-least-twenty-four-(24)--hours-prior-to the-initial-setting--or-any-resetting--of-the--packer-in-a--Class-II Injection-Well--to-enable-the-inspector-to-be-present-when-the-packer is-set--Setting-of-the-packer-must-be-reported-on-a-form-prescribed by-the-Department--

- b) The-permittee--shall-contact-the--well-inspector-for-the--county-and schedule-an-internal-mechanical-integrity-test-prior-to-commencement of-injection-into--

- 1) a-newly-permitted-Class-II-Injection-Well--

- 2) a--Class-II--Injection-Well--after-change--to-a--new--permitted injection-zone--

- 3) a--Class--II-Injection-Well--after-resetting-or-movement--of-the packer--and

- 4) a--Class-II--Injection-Well--after-reactivation--from-temporary abandonment-status--

- c) An-internal-mechanical--integrity-test-shall-be--performed-under-the supervision-of-a-well-inspector--

- 1) prior--to-initial--injection-into--a-newly--permitted-Class-II Injection-Well--

- 2) prior-to-initial-injection-into-a-Class-II-Injection-Well-after a-change-to-a-new--permitted-injection-zone--

- 3) prior-to-resuming-injection-into--any-Class-II--Injection-Well after--any-work-over-of--the-well-involving-the--resetting-or movement-of-a-packer--

- 4) prior-to-initial-injection-into-a-Class-II-Injection-Well-after the--well--has--been--reactivated--from--temporary--abandonment status--

- 5) whenever-the-Department-has-reason--to-believe--based-upon-well records-or-field-observation--and--subject-to-the-provisions-of Sections-240-140--240-150-and-240-178--of-this-Part--that-the Class--II--Injection-Well--may--be--leaking--or--improperly constructed--and

- 6) at-least-once-every-five-(5)--years-measured-from-the--date-of the-last-successful-test--

- d) All-Class-II-Injection-Wells-not-subjected-to-an-internal-mechanical

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

integrity pressure test as of the effective date of this Section, shall be tested during the 5 years after the effective date. Each permittee shall conduct an internal mechanical integrity test on at least 20% of the permittee's total untested Class II Injection Wells each year.

e) Internal Mechanical Integrity (Part I):

The following pressure test shall be performed on Class II Injection Wells to establish the internal mechanical integrity of the tubing, casing and packer of the well:

1) Pressure Test

The casing tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

-2) Monitoring Test

For those wells which are physically unable to perform the pressure test specified in subsection (e)(1) above because the packer would unset, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time in determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring); the Department shall consider well construction including:

A) The volume of the casing tubing annulus;

B) Depth of packer;

C) Pressure below the packer; and-

B) Type of tubing and packer.

f) Any Class II Injection Well which fails an internal mechanical integrity test or on which an internal mechanical integrity test has not been performed when required by subsection (c) above, shall be shut in until the well is plugged, converted to a producing well, or

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

until remedial work is commenced and completed in accordance with Section 240-650(c) and an internal mechanical integrity test is successfully completed.

g) External Mechanical Integrity (Part II):

The external mechanical integrity, i.e., outside of the casing, shall be evaluated by the Department to establish that the fresh water and other zones are protected from upward migration of fluids. To establish external mechanical integrity, all Class II Injection Wells shall have cement placed behind the outermost string of production casing at the depth of the permitted interval of injection (or above the permitted interval but below the next highest injection interval in an open hole completion) to prevent fluid from migrating into the fresh water or other unpermitted intervals. Such cement shall extend:

1) In any newly drilled Class II Injection Well, permitted after the effective date of this Section, at least 250 feet above the top of the permitted interval of injection or the bottom of the casing in an open hole completion;

2) In any existing production well permitted for conversion to a Class II Injection Well after the effective date of this Section, at least 100 feet above the top of the permitted interval of injection or the bottom of the casing in an open hole completion;

-3) In any existing Class II Injection Well, other than a well referred to in subsections (g)(1) and (g)(2) above, a sufficient distance above the top of the permitted interval of injection or above the bottom of the casing in an open hole completion to prevent upward migration of fluid, in determining the sufficiency of cement, the Department shall consider the amount of cement, the location of the packer and the injection pressure.

4) If external mechanical integrity, under subsections (g)(1) or (2) above, cannot be demonstrated by cement records or Illinois State Geological Survey record, the permittee may utilize one or more of the following methods to demonstrate External Mechanical Integrity:

A) Temperature log indicating top of cement.

B) Conventional acoustic cement bond log with travel time and amplitude clearly marked.

C) Advanced cement evaluation logs.

DEPARTMENT OF MINES AND MINERALS
NOTICE OF ADOPTED AMENDMENT(S)

B) Radioactive--tracer--survey--indicating--leak--of--fluid
migration--behind--the--casing.

E) Oxygen-activation-log--indicating--leak--of--fluid--migration
behind--the--casing.

b) New--newly--drilled--or--converted--Class-II--Injection-Well--permitted
after--the--effective--date--of--this--Section--shall--be--operated--until--it
has--demonstrated--external--mechanical--integrity.

i) If--the--Department--has--reason--to--believe--based--upon--well--records--or
fluid--observation--that--any--Class-II--Injection-Well--is--causing--fluid
migration--into--the--fresh--water--resulting--from--a--failure--of--external
mechanical--integrity--the--permittee--shall--shut--in--the--well--until--the
well--is--plugged--converted--to--a--producing--well--or--until--remedial
cement--work--is--commenced--and--completed--in--accordance--with--Section
240-650(c)--or--external--mechanical--integrity--is--established--in
accordance--with--subsection--(g)(4)--above.

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)
Section 240.660 Monitoring and Reporting Requirements for Enhanced Recovery
Injection and Disposal Wells (Repealed)

a) The operator--of--an--enhanced--recovery--project--shall--file--with--the
Division--an--annual--report--on--Form--06-17--not--later--than--thirty--(30)
days--following--the--twelve--(12)--months--reported--

b) Failure--to--file--Form--06-17--for--one--year--shall--void--the--order
permitting--the--enhanced--recovery--project--

c) The operator--shall--monitor--injection--pressure--and--injection--rate--of
each--enhanced--recovery--injection--well--or--disposal--well--on--a--monthly
basis--with--the--results--reported--annually--on--Form--06-18--

d) The operator--shall--file--on--Form--06-18--an--annual--report--with--the
Division--of--Oil--and--Gas--summarizing--the--results--of--the--monitoring
required--by--(c)--above--any--casing--annulus--pressure--monitoring--used
in--ties--of--pressure--testing--and--any--other--casing--annulus--pressure
test--performed--A--well--shall--not--be--used--for--enhanced--recovery
injection--or--disposal--unless--Form--06-18--is--filed--by--April--1--of--each
year--for--the--previous--calendar--year--

e) The operator--of--an--enhanced--recovery--injection--well--or--disposal--well
shall--within--thirty--(30)--days--notify--the--Division--of--Oil--and--Gas--on
Form--06-19--of--the--date--upon--which--injection--or--disposal--commenced--
The--order--authorizing--the--well--shall--become--null--and--void--eighteen

DEPARTMENT OF MINES AND MINERALS
NOTICE OF ADOPTED AMENDMENT(S)

(18)-months--from--the--date--thereof--unless--the--Division--of--Oil--and
Gas--is--notified--within--the--eighteen--(18)--month--period--

f) The operator--shall--within--thirty--(30)--days--notify--the--Division--of
Oil--and--Gas--on--Form--06-19--the--date--injection--into--an--enhanced
recovery--injection--well--or--project--or--disposal--well--is--terminated
and--the--reason--therefor--at--which--time--the--order--authorizing--the
well--shall--expire--Notification--of--project--injection--termination
must--be--accompanied--by--an--individual--well--status--report--for--all
project--injection--wells--

g) Mechanical--failures--or--downhole--problems--which--indicate--the--enhanced
recovery--injection--well--or--disposal--well--is--not--or--may--not--be
directing--the--injected--fluid--into--the--permitted--or--authorized
injection--zone--may--be--cause--to--shut--in--the--well--If--said--condition
may--endanger--the--fresh--water--the--operator--shall--orally--notify--the
field--inspector--within--24--hours--Written--notice--of--this--failure
shall--be--submitted--to--the--Oil--and--Gas--Division--within--five--(5)--days
of--the--occurrence--together--with--a--plan--for--testing--and/or--repairing
the--well--

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)
Section 240.670 Avoidable Waste of Gas (Repealed)

a) In--drilling--any--well--if--a--gas--sand--or--stratum--is--penetrated--the
hole--must--not--be--left--open--so--that--an--avoidable--escape--of--gas--
which--in--the--opinion--of--the--Mining--Board--constitutes--waste--will
occur--during--further--drilling--in--or--through--such--stratum--or--during
temporary--abandonment--of--the--well--The--Mining--Board--may--require
mud--laden--fluid--to--be--applied--or--the--gas--stratum--cased--off--or--any
suitable--method--adopted--which--will--arrest--such--escape--of--gas--

b) Gas--produced--in--connection--with--the--production--of--oil--shall--be
burned--in--flares--where--there--is--no--market--at--the--well--for--escaping
gas--The--operators--of--casinghead--gas--plants--operated--for--the
extraction--of--liquid--hydrocarbons--from--the--gas--shall--burn--the
residue--gas--in--flares--when--no--market--exists--at--such--plant--for--the
residue--gas--or--when--the--gas--is--not--returned--to--an--oil--pool--or--field
for--pressure--maintenance--or--repressuring--of--the--oil--pool--or--field--

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)
Section 240.680 Escape of Unburned Gas Prohibited (Repealed)

The--escape--of--unburned--gas--from--any--well--into--the--air--or--atmosphere--is--hereby
prohibited--All--such--surplus--gas--not--otherwise--utilized--shall--be--burned--at
a--safe--distance--from--any--well--storage--tank--or--building--

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 15 Ill. Reg. 15493, effective October 10, 1991)

SUBPART G - WASTE-PROHIBITED WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.700 Applicability

The provisions of this Subpart apply to Class II UIC wells.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.710 Avoidable-Waste-of-Gas--(Recodified) Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section

a) Surface Casing

1) Steel surface casing shall be set to a depth of at least one hundred (100) feet, or fifty (50) feet below the base of the fresh water zone, whichever is deeper.

2) Surface casing shall be set under the supervision of a Department Well Inspector and the permittee shall give at least twenty-four (24) hours notice to the Well Inspector prior to setting the surface casing.

3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.

4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than four (4) hours.

5) In lieu of surface casing, the permittee, upon request and approval from the Department, may circulate cement to the surface behind the production casing. In determining whether to approve the request, the Department will evaluate the depth of the well, the depth of the fresh water and the cementing procedures. If approved, the production casing must be cemented under the supervision of a Department Well Inspector.

b) Production Casing

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of two hundred fifty (250) feet above the

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

shallowest permitted injection interval. The casing shall be set no higher than fifty (50) feet above the top of the uppermost permitted injection interval in an open hole completion.

(Source: Former Section recodified to Section 240.670; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.720 Escape-of-Unburned-Gas--Prohibited--(Recodified) Surface and Production Casing Requirements for Conversion to Class II UIC Wells

a) Surface Casing

For conversions of existing production wells which do not have surface casing completely covering the fresh water zone, further cementing is not required unless it is necessary to establish external mechanical integrity in accordance with Section 240.770.

b) Production Casing

For all conversions of existing production wells, cement shall extend to at least one hundred (100) feet above the injection interval or the bottom of the casing in an open hole completion.

(Source: Former Section recodified to Section 240.680; new Section adopted at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells

a) Surface Casing

For existing Class II UIC wells which do not have surface casing completely covering the fresh water zone, further cementing is not required unless it is necessary to establish external mechanical integrity in accordance with Section 240.770.

b) Production Casing

The top of the cement behind the production casing shall be a sufficient distance above the top of the uppermost permitted interval of injection to prevent upward migration of injected fluid. In determining the sufficiency of cement, the Department shall consider the amount of existing cement, the location of the packer and the injection pressure.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.740 Other Construction Requirements for Class II UIC Wells

a) Injection shall be through tubing and packer. The packer shall be placed no higher than two hundred (200) feet above the uppermost perforations or the casing seat in an open hole completion, provided

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

the packer is within the cemented portion of the production casing such that there is at least fifty (50) feet of cement above the packer, and further provided the packer is no less than one hundred (100) feet below the base of the fresh water. No perforations shall be left open above the packer unless they are isolated by a dual packer or concentric packer system. If a dual packer is used, the uppermost packer must satisfy the placement requirements of this subsection.

b) The wellhead shall be configured to include a one quarter inch female fitting, with shut-off valve, to allow monitoring of the annulus between the production casing and the injection tubing.

c) A one quarter inch female fitting, with shut-off valve, shall be installed on the tubing to measure the injection pressure.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.750 Operating Requirements for Class II UIC Wells

a) The wellhead shall be maintained in a leak-free condition.

b) Spills of injected fluids occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.

c) Wells which have not been operated for more than two (2) years shall be temporarily abandoned or plugged in accordance with Subpart K.

d) The injection pressure shall not exceed the maximum injection pressure established in accordance with Section 240.340(e) of this Part, unless amended in accordance with Section 240.390(b) of this Part.

e) No change shall be made in the permitted injection zones except in accordance with Section 240.390(a) of this Part or Section 240.395 of this Part.

f) Injection fluids shall be confined to the permitted injection zones in the well. If the injection fluids are migrating into unpermitted zones, or into the fresh water zone or to the surface, the permittee shall notify the Department, and shut in the well until remedial action that prevents the fluid migration is completed.

g) Mechanical integrity must be established in accordance with Sections 240.760 and 240.770.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

Section 240.760 Internal Mechanical Integrity Testing for Class II UIC Wells

a) The permittee shall contact the Well Inspector for the county in which the well is located at least twenty-four (24) hours prior to the initial setting or any resetting of the packer in a Class II UIC well to enable the inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.

b) An internal mechanical integrity test shall be performed in the presence of a Well Inspector:

1) prior to initial injection into a newly permitted Class II UIC well;

2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;

3) prior to resuming injection into any Class II UIC well after any work over of the well involving the resetting or movement of a packer;

4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;

5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II UIC well may be leaking or improperly constructed; and

6) at least once every five (5) years measured from the date of the last successful test.

The permittee shall contact the Well Inspector for the county in which the well is located at least 24 hours prior to conducting an internal mechanical integrity test except when the Department schedules the test under Subsection (b)(5) above.

c) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of the effective date of this Section shall be tested within 5 years of the effective date of this Section. Each permittee shall conduct an internal mechanical integrity test each year on at least 20% of the permittee's total Class II UIC wells.

d) Internal Mechanical Integrity (Part I):

The following pressure test shall be performed on Class II UIC Wells to establish the internal mechanical integrity of the tubing, casing

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

and packer of the well.

1) Pressure Test

The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

2) Monitoring Test

For those wells which are structurally unable to withstand the pressure test specified in subsection (d)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method, and length and frequency of monitoring), the Department shall consider well construction including:

- A) the volume of the casing-tubing annulus;
- B) depth of packer;
- C) pressure below the packer; and
- D) type of tubing and packer.

e) Any Class II UIC well which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsection (c) above, shall be shut in until the well is plugged or until remedial work is commenced and completed and an internal mechanical integrity test is successfully completed. If the necessary work has not been completed and an internal mechanical integrity test successfully completed within ninety (90) days (or within any greater length of time established by the Department due to weather conditions), the well shall be temporarily abandoned in accordance with Section 240.1130(d) of this Part.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.770 External Mechanical Integrity Testing for Class II UIC Wells

a) In conjunction with the internal mechanical integrity testing of Class II UIC wells, the external mechanical integrity shall be evaluated by the Department to establish that the fresh water is protected from upward migration of injection fluids.

b) To establish external mechanical integrity, all Class II UIC wells shall be constructed in accordance with Sections 240.710(b), 240.720(b), or 240.730(b), whichever is applicable.

c) If external mechanical integrity under Sections 240.710(b) or 240.720(b) cannot be demonstrated by cement records or Illinois State Geological Survey records, the permittee may utilize one or more of the following methods to demonstrate external mechanical integrity:

- 1) Temperature log indicating top of cement;
- 2) Cement bond log showing gamma ray, transit time, collar locator and VDL (Variable Density Log);
- 3) Advanced cement evaluation logs;
- 4) Radioactive tracer survey indicating lack of fluid migration behind the casing;
- 5) Oxygen-activation log indicating lack of fluid migration behind the casing.

d) If the Department has reason to believe, based upon well records or field observation, that any Class II UIC well is causing fluid migration into the fresh water zone resulting from a failure of external mechanical integrity, the permittee shall shut in the well until any necessary corrective work is commenced and completed and external mechanical integrity is established in accordance with subsection (c) above, or until the well is plugged.

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991)

Section 240.780 Reporting Requirements for Class II UIC Wells

a) Well Completion Reports

- 1) Contents
The Well Completion Report shall be completed on a form

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

prescribed by the Department and shall contain:

- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the injection zones and the type of completion treatment performed on each zone; and
- D) injection rates and pressures.

2) Newly drilled or converted wells

A Well Completion Report shall be submitted to the Department within thirty (30) days after the conclusion of initial completion activities (i.e., setting of tubing and packer).

3) Existing wells

A Well Completion Report shall be completed and submitted to the Department for each workover or recompletion of any existing injection well. A workover or recompletion includes resetting the packer, remedial cementing, setting a casing liner, and recompletion into an injection zone not previously used for injection in the well. The Well Completion Report shall be submitted within thirty (30) days after the completion of any such workover or recompletion activity.

b) Well Drilling Report

1) For all wells drilled or deepened after the effective date of this Section, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.

2) The Well Drilling Report shall be submitted to the State Geological Survey within 90 days after drilling ceases and shall contain:

- A) the name and location of the well;
- B) drilling information;
- C) the geologic names and depths of the formations encountered in drilling the well;
- D) the results of all drill stem tests; and
- E) a copy of the drilling time or geolograph record if a geophysical log was not run.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

3) Well Drilling Reports are not required for well conversions not entailing a deepening of the well.

c) Geophysical Logs

A copy of all wire line or geophysical logs run on the well shall be submitted to the State Geological Survey within 90 days after drilling ceases, or in the case of a conversion, after the completion of conversion activities.

d) Drill Cuttings

1) Notification and Collection of Drill Cuttings

The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each ten (10) feet of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois.

2) When Drill Cuttings Required

Drill cuttings shall be submitted for each well when drill cuttings have not previously been submitted from any well within one-half (1/2) mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within one-half (1/2) mile, drill cuttings shall be requested from the approximate previously submitted depth to the total depth in the newly permitted well.

e) Annual Well Status Report

The permittee of each Class II UIC well shall file an Annual Well Status Report on forms prescribed by the Department. The report shall be filed by May 1 of each year for the preceding calendar year, and shall include:

- 1) the name and location of the well;
- 2) the names of all injection intervals;
- 3) the setting depth of the packer; and
- 4) the average monthly injection rates and pressures.

f) Annual Enhanced Oil Recovery Project Report

The operator of an enhanced oil recovery project shall complete an annual project report on forms prescribed by the Department, and submit the report to the State Geological Survey by May 1 of each year.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

Section 240.790 Confidentiality of Well Data

When requested in writing by the permittee, the Well Completion Report, Well Drilling Report, geophysical logs, and drill cuttings shall be kept confidential for two (2) years from the date of issuance of the permit for the particular well in accordance with the provisions of Section 3 of "The Well Abandonment Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5203, as amended by P.A. 87-744, effective September 26, 1991).

(Source: Added at 15 Ill. Reg. 15493, effective October 10, 1991.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: DEFINITIONS AND GENERAL PROVISIONS

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: Adopted Action:
211.122 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1009, 1010 and 1027.

5) Effective Date of Amendments: October 11, 1991

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date filed in Board's Principal Office: Order adopted September 12, 1991.

9) Notice of Proposal Published in Illinois Register:

May 3, 1991, 15 Ill. Reg. 6385

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Trichlorotrifluoroethane (CFC-113) appeared as underlined in the Notice of Proposed Amendments, when trifluoroethane (HFC-143a) should have appeared underlined instead. The Board corrects this error in response to this comment.

JCAR pointed out that the text of certain definitions was missing. This raises a problem created in the R89-16(A): RACT Deficiencies proceeding, propagated in the R88-30(B): Gasoline Volatility proceeding, and improperly corrected in the R88-14: Pharmaceutical VOM Emissions proceeding. The Board makes the corrections cited by JCAR and a small number of others discovered upon detailed examination of the definitions in Section 211.122:

"Coating": Entire definition, erroneously deleted from the text of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

rule filed in R88-30(B), is restored.

"Component": Format of citation to 35 Ill. Adm. Code 215.Subpart Q corrected.

"Enclose": Format of citation to 35 Ill. Adm. Code 215.Subpart T corrected.

"Excessive release": "and/or" changed to "or."

"Fabric coating": Partial text of definition, erroneously deleted from the text of the rule filed in R88-30(B), is restored.

"Miscellaneous metal parts and products": "-" changed to "through" in citation format for greater clarity.

"Miscellaneous organic chemical manufacturing process": Format of citation to 35 Ill. Adm. Code 215.Appendix D corrected.

"Restricted area": Location of statutory citation changed.

"Sandblasting": "and/or" changed to "or."

"Shotblasting": "and/or" changed to "or."

"Vapor collection system": "and/or" changed to "or."

"Vinyl coating": Partial text of definition, erroneously deleted from the text of the rule filed in R88-30(B), is restored; spelling of "organosol" is corrected.

"Volatile organic material": Partial text of definition--i.e., definition of "volatile organic material content," erroneously added as part of this definition in the text of the rule filed in R89-16(A), then subsequently improperly deleted from the text of the rule as filed in R88-30(B), is restored for proper deletion by strikeout in this docket.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111k, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace an emergency amendments currently in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

effect? No.

14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
211.101	Amendment	15 Ill. Reg. 13627, September 20, 1991
211.122	Amendment	15 Ill. Reg. 4573, March 29, 1991
211.122	Amendment	15 Ill. Reg. 13627, September 20, 1991

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of September 12, 1991 in R91-10, which Opinion is available from the address below.

The Board hereby amends its rules in response to USEPA additions to the list of chemicals exempted from the definition of volatile organic materials (VOMs). At 56 Fed. Reg. 11418, March 18, 1991, USEPA added five compounds and four classes of compounds to the list of negligibly photoreactive compounds exempt from regulation under state implementation plans (SIPs). Those compounds constitute additions to those compounds exempted in R89-8, effective January 1, 1990. The Board directs attention to that prior docket for information relating to the original listing of exempted compounds.

This rulemaking is adopted pursuant to the identical-in-substance mandate under Section 9.1(e) of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111k, par. 1009.1(e). Section 9.1(e) provides for quick adoption of regulations which are "identical in substance" to certain published federal policy statements and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR).

The revision to USEPA's "Recommended Policy on the Control of Volatile Organic Compounds" adds five compounds and four classes of compounds to the list of negligibly-photochemically-reactive compounds exempted from regulation as volatile organic compounds. This portion of the Board's rulemaking proceeding effects the amendments to the definition of "volatile organic material" that actually exempts the compounds included in the federal policy revision. The added Board Note informs the reader that U.S. Environmental Protection Agency or the Illinois Environmental Protection Agency (IEPA) may require monitoring as a pre-condition to such an exemption under certain circumstances. A parallel amendment to Part 215 codifies the circumstances under which the IEPA may require

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

monitoring.

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions

Appendix A Rule into Section Table
Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 1114, pars. 1009, 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R 89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991.

SUBPART A: GENERAL PROVISIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.122 Definitions

"Acceleracota": a pharmaceutical coating operation which consists of a horizontally rotating perforated drum in which tablets are placed, a coating is applied by spraying and the coating is dried by the flow of air across the drum through the perforations.

"Accumulator": The reservoir of a condensing unit receiving the condensate from a surface condenser.

"Acid Gases": For the purposes of Section 9.4 of the Environmental Protection Act (the Act) (Ill. Rev. Stat. 1989, ch. 111½, par. 1009.4), hydrogen chloride, hydrogen fluoride and hydrogen bromide, which exist as gases, liquid mist, or any combination thereof.

"Actual Heat Input": The quantity of heat produced by the combustion of fuel using the gross heating value of the fuel.

"Aeration": The practice of forcing air through bulk stored grain to maintain the condition of the grain.

"Afterburner": A device in which materials in gaseous effluents are combusted.

"Air Dried Coating": Coatings that dry by the use of air or forced air at temperatures up to 363.15° K (194° F).

"Air suspension coater/dryer": a pharmaceutical coating operation which consists of vertical chambers in which tablets or particles are placed, and a coating is applied and then dried while the tablets or particles are kept in a fluidized state by the passage of air upward through the chambers.

"Annual Grain Through-Put": Unless otherwise shown by the owner or operator, annual grain through-put for grain-handling operations, which have been in operation for three consecutive years prior to June 30, 1975, shall be determined by adding grain receipts and shipments for the three previous fiscal years and dividing the total by 6. The annual grain through-put for grain-handling operations in operation for less than three consecutive years prior to June 30, 1975, shall be determined by a reasonable three-year estimate; the owner or operator shall document the reasonableness of his three-year estimate.

"Architectural Coating": Any coating used for residential or commercial buildings or their appurtenances, or for industrial buildings which is site applied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Asphalt": The dark-brown to black cementitious material (solid, semisolid or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Asphalt Prime Coat": A low-viscosity liquid asphalt applied to an absorbent surface as the first of more than one asphalt coat.

"Automobile": Any first division motor vehicle as that term is defined in the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, pars 1-100 et seq.).

"Automobile or Light-Duty Truck Manufacturing Plant": A facility where parts are manufactured or finished for eventual inclusion into a finished automobile or light-duty truck ready for sale to vehicle dealers, but not including customizers, body shops and other repairers.

"Batch Loading": The process of loading a number of individual parts at the same time for degreasing.

"Bead-Dipping": The dipping of an assembled tire bead into a solvent-based cement.

"British Thermal Unit": The quantity of heat required to raise one pound of water from 60° F to 61° F (abbreviated btu).

"Bulk Gasoline Plant": Any gasoline storage and distribution facility that receives gasoline from bulk gasoline terminals by delivery vessels and distributes gasoline to gasoline dispensing facilities.

"Bulk Gasoline Terminal": Any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, and distributes gasoline to bulk gasoline plants or gasoline dispensing facilities.

"Can Coating": The application of a coating material to a single walled container that is manufactured from metal sheets thinner than 29 gauge (0.0141 in).

"Certified Investigation": A report signed by Illinois Environmental Protection Agency (Agency) personnel certifying whether a grain-handling operation (or portion thereof) or grain-drying operation is causing or tending to cause air pollution. Such report must describe the signatory's investigation, including a summary of those facts on which he relies to certify whether the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

grain-handling or grain-drying operation is causing or threatening or allowing the discharge or emission of any contaminant into the environment so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board (Board) under the Environmental Protection Act (Act). The certified investigation shall be open to a reasonable public inspection and may be copied upon payment of the actual cost of reproducing the original.

"Choke Loading": That method of transferring grain from the grain-handling operation to any vehicle for shipment or delivery which precludes a free fall velocity of grain from a discharge spout into the receiving container.

"Cleaning and Separating Operation": That operation where foreign and undesired substances are removed from the grain.

"Clear Coating": Coatings that lack color and opacity or are transparent using the undercoat as a reflectant base or undertone color.

"Closed Purge System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport liquid or vapor from a piece or pieces of equipment to a control device, or return the liquid or vapor to the process line.

"Closed Vent System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device, or return the gas or vapor to the process line.

"Coal Refuse": Waste products of coal mining, cleaning and coal preparation operations containing coal, matrix material, clay and other organic and inorganic material.

"Coating": For purposes of this Part, a coating includes a material applied to a substrate for decorative, protective or other functional purposes. Such material shall include but not be limited to paints, varnishes, sealers, adhesives, diluents and thinners.

"Coating Applicator": Equipment used to apply a surface coating.

"Coating Line": An operation where a surface coating is applied to a material and subsequently the coating is dried and/or cured.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Coating Plant": Any building, structure or installation that contains a coating line and which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

"Coil Coating": The application of a coating material to any flat metal sheet or strip that comes in rolls or coils.

"Cold Cleaning": The process of cleaning and removing soils from surfaces by spraying, brushing, flushing or immersion while maintaining the organic solvent below its boiling point. Wipe cleaning is not included in this definition.

"Complete Combustion": A process in which all carbon contained in a fuel or gas stream is converted to carbon dioxide.

"Component": Any piece of equipment which has the potential to leak volatile organic material including, but not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, pressure relief devices, process drains and open ended regulated, flanges, and equipment in heavy liquid service. For purposes of 35 Ill. Adm. Code 215.—Subpart Q, this definition also excludes bleed ports of gear pumps in polymer service.

"Concentrated Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration equal to or greater than 70 percent by weight.

"Condensate": Hydrocarbon liquid separated from its associated gases which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

"Control Device": Equipment, such as an afterburner, adsorber, scrubber, condenser, cyclone or baghouse used to remove or prevent the emission of air pollutants from a contaminated exhaust stream. For purposes of 35 Ill. Adm. Code 215, Subpart Q, an enclosed combustion device, vapor recovery system, flare, or closed container.

"ConveyORIZED Degreasing": The continuous process of cleaning and removing soils from surfaces utilizing either cold or vaporized solvents.

"Crude Oil": A naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Crude Oil Gathering": The transportation of crude oil or condensate after custody transfer between a production facility and a reception point.

"Custody Transfer": The transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"Cutback Asphalt": Any asphalt which has been liquified by blending with petroleum solvents other than residual fuel oil and has not been emulsified with water.

"Degreaser": Any equipment or system used in solvent cleaning.

"Delivery Vessel": Any tank truck or trailer equipped with a storage tank that is used for the transport of gasoline to a stationary storage tank at a gasoline dispensing facility, bulk gasoline plant or bulk gasoline terminal.

"Distillate Fuel Oil": Fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil A.S.T.M. D-369-69 (1971).

"Dry Cleaning Facility": A facility engaged in the cleaning of fabrics using an essentially nonaqueous solvent by means of one or more solvent washes, extraction of excess solvent by spinning and drying by tumbling in an airstream. The facility includes, but is not limited to, washers, dryers, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

"Dump-Pit Area": Any area where grain is received at a grain-handling or grain-drying operation.

"Effective Grate Area": That area of a dump-pit grate through which air passes, or would pass, when aspirated.

"Effluent Water Separator": Any tank, box, sump or other apparatus in which any organic material floating on or entrained or contained in water entering such tank, box, sump or other apparatus is physically separated and removed from such water prior to outfall, drainage or recovery of such water.

"Emission Rate": Total quantity of any air contaminant discharge into the atmosphere in any one-hour period.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Enclose": with respect to 35 Ill. Adm. Code 215.Subpart T, to cover any volatile organic liquid surface that is exposed to the atmosphere.

"End Sealing Compound Coat": A compound applied to can ends which functions as a gasket when the end is assembled on the can.

"Excess Air": Air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material.

"Excessive Release": A discharge of more than 295g (0.65 pounds) of mercaptans and/or hydrogen sulfide into the atmosphere in any five minute period.

"Existing Grain-Drying Operation": Any grain-drying operation the construction or modification of which was commenced prior to June 30, 1975.

"Existing Grain-Handling Operation": Any grain-handling operation the construction or modification of which was commenced prior to June 30, 1975.

"Exterior Base Coat": An initial coating applied to the exterior of a can after the can body has been formed.

"Exterior End Coat": A coating applied by rollers or spraying to the exterior end of a can.

"External Floating Roof": A storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which is supported by the petroleum liquid being contained and is equipped with a closure seal between the deck edge and tank wall.

"Extreme Performance Coating": Coatings designed for exposure to any of the following: the ambient weather conditions, temperatures above 368.15° K (203° F), detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or other similar extreme environmental conditions.

"Fabric Coating": The coating of a textile substrate including operations where the coating impregnates the substrate.

"Final Repair Coat": The repainting of any coating which is damaged during vehicle assembly.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Firebox": The chamber or compartment of a boiler or furnace in which materials are burned, but not the combustion chamber or afterburner of an incinerator.

"Flexographic Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of elastomeric materials.

"Floating Roof": A roof on a stationary tank, reservoir or other container which moves vertically upon change in volume of the stored material.

"Freeboard Height": For open top vapor degreasers, the distance from the top of the vapor zone to the top of the degreaser tank. For cold cleaning degreasers, the distance from the solvent to the top of the degreaser tank.

"Fuel Combustion Emission Source": Any furnace, boiler or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer.

"Fuel Gas System": A system for collection of refinery fuel gas including, but not limited to, piping for collecting tail gas from various process units, mixing drums and controls and distribution piping.

"Fugitive Particulate Matter": Any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in 35 Ill. Adm. Code 212. Subpart K shall exempt any source from compliance with other provisions of 35 Ill. Adm. Code 212 otherwise applicable merely because of the absence of a stack.

"Gas Service": Means that the component contains process fluid that is in the gaseous state at operating conditions.

"Gasoline": Any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

"Gasoline Dispensing Facility": Any site where gasoline is transferred from a stationary storage tank to a motor vehicle gasoline tank used to provide fuel to the engine of that motor vehicle.

"Grain": The whole kernel or seed of corn, wheat, oats, soybeans and any other cereal or oil seed plant; and the normal fines, dust and foreign matter which results from harvesting, handling or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

conditioning. The grain shall be unaltered by grinding or processing.

"Grain-Drying Operation": Any operation, excluding aeration, by which moisture is removed from grain and which typically uses forced ventilation with the addition of heat.

"Grain-Handling and Conditioning Operation": A grain storage facility and its associate grain transfer, cleaning, drying, grinding and mixing operations.

"Grain-Handling Operation": Any operation where one or more of the following grain-related processes (other than grain-drying operation, portable grain-handling equipment, one-turn storage space, and excluding flour mills and feed mills) are performed: receiving, shipping, transferring, storing, mixing or treating of grain or other processes pursuant to normal grain operations.

"Green Tire Spraying": The spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

"Green Tires": Assembled tires before molding and curing have occurred.

"Gross Heating Value": Amount of heat produced when a unit quantity of fuel is burned to carbon dioxide and water vapor, and the water vapor condensed as described in A.S.T.M. D-2015-66, D-900-55, D-1826-64 and D-240-64.

"Heavy Liquid": Liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3° K (70° F) or 0.1 Reid Vapor Pressure as determined by A.S.T.M. method D-323; or which when distilled requires a temperature of 300° F or greater to recover 10% of the liquid as determined by A.S.T.M. method D-86.

"Heavy Metals": For the purposes of Section 9.4 of the Act, elemental, ionic, or combined forms of arsenic, cadmium, mercury, chromium, nickel and lead.

"Heavy, Off-Highway Vehicle Products": For the purposes of Section 215.204(k), heavy off-highway vehicle products shall include: heavy construction, mining, farming or material handling equipment; heavy industrial engines; diesel-electric locomotives and associated power generation equipment; and the components of such equipment or engines.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Hot Well": The reservoir of a condensing unit receiving the condensate from a barometric condenser.

"Housekeeping Practices": Those activities specifically defined in the list of housekeeping practices developed by the Joint EPA - Industry Task Force and included herein under 35 Ill. Adm. Code 212.461.

"Incinerator": Combustion apparatus in which refuse is burned.

"Indirect Heat Transfer": Transfer of heat in such a way that the source of heat does not come into direct contact with process materials.

"In-Process Tank": A container used for mixing, blending, heating, reacting, holding, crystallizing, evaporating, or cleaning operations in the manufacture of pharmaceuticals.

"In-situ Sampling Systems": Nonextractive samplers or in-line samplers.

"Interior Body Spray Coat": A coating applied by spray to the interior of a can after the can body has been formed.

"Internal Transferring Area": Areas and associated equipment used for conveying grain among the various grain operations.

"Large Appliance Coating": The application of a coating material to the component metal parts (including but not limited to doors, cases, lids, panels and interior support parts) of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

"Light-Duty Truck": Any second division motor vehicle, as that term is defined in the Illinois Vehicle Code, (Ill. Rev. Stat. 1989, ch. 95, pars. 1-100 et seq.) weighing less than 3854 kilograms (8500 pounds) gross.

"Liquid-Mounted Seal": A primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof edge around the circumference of the roof.

"Liquid Service": Means that the equipment or component contains process fluid that is in a liquid state at operating conditions.

"Liquids Dripping": Any visible leaking from a seal including spraying, misting, clouding and ice formation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Load-Out Area": Any area where grain is transferred from the grain-handling operation to any vehicle for shipment or delivery.

"Low Solvent Coating": A coating which contains less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electro-deposition and powder coatings.

"Magnet Wire Coating": The application of a coating of electrically insulating varnish or enamel to conducting wire to be used in electrical machinery.

"Major Dump Pit": Any dump pit with an annual grain through-put of more than 300,000 bushels, or which receives more than 40% of the annual grain through-put of the grain-handling operation.

"Major Metropolitan Area (MMA)": Any county or group of counties which is defined by the following Table:

MAJOR METROPOLITAN AREAS IN ILLINOIS (MMA's)

MMA

COUNTIES INCLUDED IN MMA

Champaign-Urbana Chicago	Champaign
	Cook, Lake, Will, DuPage, McHenry, Kane, Grundy, Kendall, Kankakee
Decatur	Macon
Peoria	Peoria, Tazewell
Rockford	Winnebago
Rock Island -- Moline	Rock Island
Springfield	Sangamon
St. Louis (Illinois)	St. Clair, Madison
Bloomington -- Normal	McLean

"Major Population Area (MPA)": Areas of major population concentration in Illinois, as described below:

The area within the counties of Cook; Lake; DuPage; Will; the townships of Burton, Richmond, McHenry, Greenwood, Nunda, Door, Algonquin, Grafton and the municipality of Woodstock, plus a zone extending two miles beyond the boundary of said municipality located in McHenry County; the townships of Dundee, Rutland, Elgin, Plato, St. Charles, Campton, Geneva, Blackberry, Batavia, Sugar Creek and Aurora located in Kane County; and the municipalities of Kankakee, Bradley and Bourbonnais, plus a zone extending two miles

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

beyond the boundaries of said municipalities in Kankakee County.

The area within the municipalities of Rockford and Loves Park, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Rock Island, Moline, East Moline, Carbon Cliff, Milan, Oak Grove, Silvis, Hampton, Greenwood and Coal Valley, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Galesburg and East Galesburg, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bartonville, Peoria and Peoria Heights, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Pekin, North Pekin, Marquette Heights, Creve Coeur and East Peoria, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bloomington and Normal, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Champaign, Urbana and Savoy, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Decatur, Mt. Zion, Harriestown and Forsyth, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Springfield, Leland Grove, Jerome, Southern View, Grandview, Sherman and Chatham, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the townships of Godfrey, Foster, Wood River, Fort Russell, Chouteau, Edwardsville, Venice, Nameoki, Alton, Granite City and Collinsville located in Madison County; and the townships of Stites, Canteen, Centreville, Caseyville, St. Clair, Sugar Loaf and Stookley located in St. Clair County.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Manufacturing Process": A process emission source or series of process emission sources used to convert raw materials, feed stocks, subassemblies or other components into a product, either for sale or for use as a component in a subsequent manufacturing process.

"Metal Furniture Coating": The application of a coating material to any furniture piece made of metal or any metal part which is or will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece including, but not limited to, tables, chairs, wastebaskets, beds, desks, lockers, benches, shelving, file cabinets, lamps and room dividers. This definition shall not apply to any coating line coating metal parts or products that is identified under the Standard Industrial Classification Code for Major Groups 33, 34, 35, 36, 37, 38, 39, 40 or 41.

"Miscellaneous Fabricated Product Manufacturing Process":

A manufacturing process involving one or more of the following applications, including any drying and curing of formulations, and capable of emitting volatile organic material:

Adhesives to fabricate or assemble non-furniture components or products

Asphalt solutions to paper or fiberboard

Asphalt to paper or felt

Coatings or dye to leather

Coatings to plastic

Coatings to rubber or glass

Curing of furniture adhesives in an oven which would emit in excess of 10 tons of volatile organic material per year if no air pollution control equipment were used

Disinfectant material to manufactured items

Plastic foam scrap or "fluff" from the manufacture of foam containers and packaging material to form resin pellets

Resin solutions to fiber substances

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Rubber solutions to molds

Viscose solutions for food casings

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Formulation Manufacturing Process":

A manufacturing process which compounds one or more of the following and is capable of emitting volatile organic material:

- Adhesives

Asphalt solutions

Caulks, sealants or waterproofing agents

Coatings, other than paint and ink

Concrete curing compounds

Dyes

Friction materials and compounds

Resin solutions

Rubber solutions

Viscose solutions

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Metal Parts and Products": For the purpose of 35 Ill. Adm. Code 215.204, miscellaneous metal parts and products shall include farm machinery, garden machinery, small appliances,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industrial Classification Code for Major Groups 33, 34, 35, 36, 37, 38 or 39 with the exception of the following: coating lines subject to 35 Ill. Adm. Code 215.204(a)-through (i) and (k), automobile or light-duty truck refinishing, the exterior of marine vessels and the customized top coating of automobiles and trucks if production is less than thirty-five vehicles per day.

"Miscellaneous Organic Chemical Manufacturing Process":

A manufacturing process which produces by chemical reaction, one or more of the following organic compounds or mixtures of organic compounds and which is capable of emitting volatile organic materials:

- Chemicals listed in 35 Ill. Adm. Code 215.--Appendix D.

Chlorinated and sulfonated compounds

Cosmetic, detergent, soap or surfactant intermediaries or specialties and products

Disinfectants

Food additives

Oil and petroleum product additives

Plasticizers

Resins or polymers

Rubber additives

Sweeteners

Varnishes

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Mixing Operation": The operation of combining two or more ingredients, of which at least one is a grain.

"New Grain-Drying Operation": Any grain-drying operation the construction or modification of which is commenced on or after June 30, 1975.

"New Grain-Handling Operation": Any grain-handling operation the construction or modification of which is commenced on or after June 30, 1975.

"No Detectable Volatile Organic Material Emissions": A discharge of volatile organic material into the atmosphere as indicated by an instrument reading of less than 500 ppm above background as determined in accordance with 40 CFR 60.485(c).

"One Hundred Percent Acid": Acid with a specific gravity of 1.8205 at 30° C in the case of sulfuric acid and 1.4952 at 30° C in the case of nitric acid.

"One-Turn Storage Space": That space used to store grain with a total annual through-put not in excess of the total bushel storage of that space.

"Opacity": A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity Percent	Ringelmann
10	0.5
20	1.
30	1.5
40	2.
60	3.
80	4.
100	5.

"Open Top Vapor Degreasing": The batch process of cleaning and removing soils from surfaces by condensing hot solvent vapor on the colder metal parts.

"Operator of Gasoline Dispensing Facility": Any person who is the lessee of or operates, controls or supervises a gasoline dispensing facility.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Organic Compound": Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metal carbides or carbonates, and ammonium carbonate.

"Organic Material": Any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, but excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate.

"Organic Materials": For the purposes of Section 9.4 of the Act, any chemical compound of, carbon including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, and polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons are organic materials, while methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate are organic materials.

"Organic Vapor": Gaseous phase of an organic material or a mixture of organic materials present in the atmosphere.

"Overvarnish": A coating applied directly over ink or printing.

"Owner of Gasoline Dispensing Facility": Any person who has legal or equitable title to a stationary storage tank at a gasoline dispensing facility.

"Packaging Rotogravure Printing": Rotogravure printing upon paper, paper board, metal foil, plastic film and other substrates, which are, in subsequent operations, formed into packaging products or labels for articles to be sold.

"Paint Manufacturing Plant": A plant that mixes, blends, or compounds enamels, lacquers, sealers, shellacs, stains, varnishes or pigmented surface coatings.

"Paper Coating": The application of a coating material to paper or pressure sensitive tapes, regardless of substrate, including web coating on plastic fibers and decorative coatings on metal foil.

"Particulate Matter": Any solid or liquid material, other than water, which exists in finely divided form.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Petroleum Liquid": Crude oil, condensate or any finished or intermediate product manufactured at a petroleum refinery, but not including Number 2 through Number 6 fuel oils as specified in A.S.T.M. D-396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D-2880-71 or diesel fuel oils Numbers 2-D and 4-D, as specified in A.S.T.M. D-975-68.

"Petroleum Refinery": Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction or reforming of unfinished petroleum derivatives.

"Pharmaceutical": Any compound or mixture, other than food, used in the prevention, diagnosis, alleviation, treatment or cure of disease in man and animal.

"Pharmaceutical Coating Operation": a device in which a coating is applied to a pharmaceutical, including any drying or curing of the coating.

"Photochemically Reactive Material": Any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations. Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure into more than one of the above groups of organic materials it shall be considered as a member of the most reactive group, that is, the group having the least allowable percent of the total organic materials.

A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic types of unsaturation: 5 percent. This definition does not apply to perchlorethylene or trichloroethylene.

A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethyl-benzene: 8 percent.

A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.

"Plant": all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any marine vessel. Pollutant-emitting activities

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the "Standard Industrial Classification Manual", 1987.

"Pneumatic Rubber Tire Manufacture": The production of pneumatic rubber tires with a bead diameter up to but not including 20.0 inches and cross section dimension up to 12.8 inches, but not including specialty tires for antique or other vehicles when produced on equipment separate from normal production lines for passenger or truck type tires.

"Polybasic Organic Acid Partial Oxidation Manufacturing Process": Any process involving partial oxidation of hydrocarbons with air to manufacture polybasic acids or their anhydrides, such as maleic anhydride, phthalic anhydride, terephthalic acid, isophthalic acid, trimellitic anhydride.

"Portable Grain-Handling Equipment": Any equipment (excluding portable grain dryers) that is designed and maintained to be movable primarily for use in a non-continuous operation for loading and unloading one-turn storage space, and is not physically connected to the grain elevator, provided that the manufacturer's rated capacity of the equipment does not exceed 10,000 bushels per hour.

"Portland Cement Process": Any facility manufacturing portland cement by either the wet or dry process.

"Power Driven Fastener Coating": The coating of nail, staple, brad and finish nail fasteners where such fasteners are fabricated from wire or rod of 0.0254 inch diameter or greater, where such fasteners are bonded into coils or strips, such coils and strips containing a number of such fasteners, which fasteners are manufactured for use in power tools, and which fasteners must conform with formal standards for specific uses established by various federal and national organizations including Federal Specification FF-N-105b of the General Services Administration dated August 23, 1977 (does not include any later amendments or editions; U.S. Army Armament Research and Development Command, Attn: DRDAR-TST, Rock Island, IL 61201), Bulletin UM-25d of the U.S. Department of Housing and Urban Development - Federal Housing Administration dated September 5, 1973 (does not include any later amendments or editions; Department of HUD, 547 W. Jackson Blvd., Room 1005, Chicago, IL 60606), and the Model Building Code of the Council of American Building Officials, and similar standards. For the purposes of this definition, the terms "brad" and "finish nail" refer to single leg fasteners fabricated in the same manner

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

as staples. The application of coatings to staple, brad, and finish nail fasteners may be associated with the incremental forming of such fasteners in a cyclic or repetitious manner (incremental fabrication) or with the forming of strips of such fasteners as a unit from a band of wires (unit fabrication).

"PPM (Vol) - (Parts per Million) (Volume)": A volume/volume ratio which expresses the volumetric concentration of gaseous air contaminant in a million unit volumes of gas.

"Pressure Release": The emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

"Pressure Tank": A tank in which fluids are stored at a pressure greater than atmospheric pressure.

"Prime Coat": The first film of coating material applied in a multiple coat operation.

"Prime Surface Coat": A film of coating material that touches up areas on the surface not adequately covered by the prime coat before application of the top coat.

"Process": Any stationary emission source other than a fuel combustion emission source or an incinerator.

"Process Unit": Components assembled to produce, as intermediate or final products, one or more of the chemicals listed in 35 Ill. Adm. Code 215. Appendix D. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

"Process Unit Shutdown": A work practice or operational procedure that stops production from a process unit or part of a process unit. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a process unit shutdown. The use of spare components and technically feasible bypassing of components without stopping production is not a process unit shutdown.

"Process Weight Rate": The actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours of operation excluding any time during which the equipment is idle. For con-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

tinuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.

"Production Equipment Exhaust System": A system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges and other process emission sources.

"Publication Rotogravure Printing": Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspapers supplements or other types of non-packaging printed materials.

"Purged Process Fluid": Liquid or vapor from a process unit that contains volatile organic material and that results from flushing or cleaning the sample line(s) of a process unit so that an uncontaminated sample may then be taken for testing or analysis.

"Reactor": A vat, vessel or other device in which chemical reactions take place.

"Reasonably Available Control Technology (RACT)": The lowest emission limitation that an emission source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

"Refinery Fuel Gas": Any gas which is generated by a petroleum refinery process unit and which is combusted at the refinery, including any gaseous mixture of natural gas and fuel gas.

"Refinery Unit, Process Unit or Unit": A set of components which are a part of a basic process operation such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

"Refrigerated Condenser": A surface condenser in which the coolant supplied to the condenser has been cooled by a mechanical device, other than by a cooling tower or evaporative spray cooling, such as a refrigeration unit or steam chiller unit.

"Residual Fuel Oil": Fuel oils of grade No. 4, 5 and 6 as specified in detailed requirements for fuel oils A.S.T.M. D-396-69 (1971).

"Restricted Area": The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code (ch. 24, par. 1-1-1 et seq.), plus a zone extending one mile beyond the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

boundaries of any such municipality having a population of 1000 or more according to the latest federal census. (ch. 24, par. 1-1-1 et seq.)

"Ringelmann Chart": The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC7718) May 1, 1967, or any adaptation thereof which has been approved by the Agency.

"Roadway": Any street, highway, road, alley, sidewalk, parking lot, airport, rail bed or terminal, bikeway, pedestrian mall or other structure used for transportation purposes.

"Roll Printing": The application of words, designs and pictures to a substrate usually by means of a series of hard rubber or metal rolls each with only partial coverage.

"Rotogravure Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is recessed relative to the non-image area.

"Safety Relief Valve": A valve which is normally closed and which is designed to open in order to relieve excessive pressures within a vessel or pipe.

"Sandblasting": The use of a mixture of sand and air at high pressures for cleaning ~~and/or~~ polishing any type of surface.

"Sensor": A device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

"Set of Safety Relief Valves": One or more safety relief valves designed to open in order to relieve excessive pressures in the same vessel or pipe.

"Sheet Basecoat": A coating applied to metal when the metal is in sheet form to serve as either the exterior or interior of a can for either two-piece or three-piece cans.

"Shotblasting": The use of a mixture of any metallic or non-metallic substance and air at high pressures for cleaning and/or polishing any type of surface.

"Side-Seam Spray Coat": A coating applied to the seam of a three-piece can.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Smoke": Small gas-borne particles resulting from incomplete combustion, consisting predominately but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

"Smokeless Flare": A combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an appearance density or shade darker than No. 1 of the Ringlemann Chart.

"Solvent Cleaning": The process of cleaning soils from surfaces by cold cleaning, open top vapor degreasing or conveyorized degreasing.

"Specialty High Gloss Catalyzed Coating": Commercial contract finishing of material prepared for printers and lithographers where the finishing process uses a solvent-borne coating, formulated with a catalyst, in a quantity of no more than 12,000 gallons/year as supplied, where the coating machines are sheet fed and the coated sheets are brought to a minimum surface temperature of 190° F, and where the coated sheets are to achieve the minimum specular reflectance index of 65 measured at a 60 degree angle with a gloss meter.

"Splash Loading": A method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe.

"Stack": A flue or conduit, free-standing or with exhaust port above the roof of the building on which it is mounted, by which air contaminants are emitted into the atmosphere.

"Standard Conditions": A temperature of 70° F and a pressure of 14.7 pounds per square inch absolute (psia).

"Standard Cubic Foot (scf)": The volume of one cubic foot of gas at standard conditions.

"Startup": The setting in operation of an emission source for any purpose.

"Stationary Emission Source": An emission source which is not self-propelled.

"Stationary Storage Tank": Any container of liquid or gas which is designed and constructed to remain at one site.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Submerged Loading Pipe": Any loading pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. When applied to a tank which is loaded from the side, any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. The definition shall also apply to any loading pipe which is continuously submerged during loading operations.

"Sulfuric Acid Mist": Sulfuric acid mist as measured according to the method specified in 35 Ill. Adm. Code 214.101(b).

"Surface Condenser": A device which removes a substance from a gas stream by reducing the temperature of the stream, without direct contact between the coolant and the stream.

"Synthetic Organic Chemical or Polymer Manufacturing Plant": A plant that produces, as intermediates or final products, one or more of the chemicals or polymers listed in 35 Ill. Adm. Code 215. Appendix D.

"Tablet Coating Operation": A pharmaceutical coating operation in which tablets are coated.

"Top Coat": A film of coating material applied in a multiple coat operation other than the prime coat, final repair coat or prime surfacer coat.

"Transfer Efficiency": ratio of the amount of coating solids deposited onto a part or product to the total amount of coating solids used.

"Tread End Cementing": The application of a solvent-based cement to the tire tread ends.

"True Vapor Pressure": The equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks" (1962).

"Turnaround": The procedure of shutting down an operating refinery unit, emptying gaseous and liquid contents to do inspection, maintenance and repair work, and putting the unit back into production.

"Undertread Cementing": The application of a solvent-based cement to the underside of a tire tread.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Unregulated Safety Relief Valve": A safety relief valve which cannot be actuated by a means other than high pressure in the pipe or vessel which it protects.

"Vacuum Producing System": Any reciprocating, rotary or centrifugal blower or compressor, or any jet ejector or device that creates suction from a pressure below atmospheric and discharges against a greater pressure.

"Valves Not Externally Regulated": Valves that have no external controls, such as in-line check valves.

"Vapor Balance System": Any combination of pipes or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

"Vapor Collection System": All piping, seals, hoses, connections, pressure-vacuum vents, and other possible sources between the gasoline delivery vessel and the vapor processing unit and/or the storage tanks and vapor holder.

"Vapor Control System": Any system that prevents release to the atmosphere of organic material in the vapors displaced from a tank during the transfer of gasoline.

"Vapor-Mounted Primary Seal": A primary seal mounted with an air space bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

"Vinyl Coating": The application of a topcoat or printing to vinyl coated fabric or vinyl sheets; provided, however, that the application of an organosol or plastisol is not vinyl coating.

"Volatile Organic Liquid": Any liquid which contains volatile organic material.

"Volatile Organic Material" or "Volatile Organic Material Content (VOMC)": the emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOMC is typically expressed as kilograms (kg) VOM/liter (lb VOM/gallon) of coating or coating solids, or kg VOM/kg (lb VOM/lb) of coating material.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Any organic compound which participates in atmospheric photochemical reactions unless specifically exempted from this definition. For purposes of determining compliance with emission limits, volatile organic material shall be measured by the reference test methods incorporated by reference in 35 Ill. Adm. Code 215.105. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds.

For purposes of this definition, the following organic compounds have been determined to have negligible photochemical reactivity and are not volatile organic materials:

Chlorodifluoroethane (HCFC-142b)
 Chlorodifluoromethane (CFC-22)
 Chloropentafluoroethane (CFC-115)
 2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 Dichlorodifluoromethane (CFC-12)
 Dichlorofluoroethane (HCFC-141b)
 Dichloromethane (Methylene chloride)
 Dichlorotetrafluoroethane (CFC-114)
 Dichlorotrifluoroethane (HCFC-123)
 1,1-Difluoroethane (HFC-152a)
 Ethane
 Methane
 Dichloromethane (Methylene chloride)
 Pentafluoroethane (HFC-125)
 Tetrafluoroethane (HFC-134a)
 1,1,2,2-Tetrafluoroethane (HFC-134)
 Trichloroethane (Methyl chloroform)
 Trichlorofluoromethane (CFC-11)
 Trichlorotrifluoroethane (CFC-113)
 1,1,1-Trifluoroethane (HFC-143a)
 Trifluoromethane (FC-23)

and the following classes of compounds:

Cyclic, branched, or linear, completely fluorinated alkanes.

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Sulphur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

BOARD NOTE: USEPA or the Agency may require monitoring to demonstrate the amount of an exempted compound in a source's emissions on a case-by-case basis as a pre-condition to exemption of that compound under certain circumstances, such as where VOMs and exempted compounds are mixed together, there are a large number of exempted compounds, or the chemical composition of the exempted compounds is not known. See 35 Ill. Adm. Code 215.108; 56 Fed Reg. 11419-20.

"Volatile Organic Material Content" or "VOMC": the emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOMC is typically expressed as kilogram (kg) VOM/liter (lb VOM/gallon) of coating or coating solids, or kg VOM/kg (lb VOM/lb) of coating solids, of coating material or material.

"Volatile Petroleum Liquid": Any petroleum liquid with a true vapor pressure that is greater than 1.5 psia (78 millimeters of mercury) at standard conditions.

"Wastewater (Oil/Water) Separator": Any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals of water, or any device, such as a flocculation tank or a clarifier, which removes petroleum derived compounds from waste water.

"Weak Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration of less than 70 percent by weight.

"Woodworking": The shaping, sawing, grinding, smoothing, polishing and making into products of any form or shape of wood.

(Source: Amended at 15 Ill. Reg. 15564 , effective October 11, , 1991)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
- 2) Code Citation: 35 Ill. Adm. Code 215
- 3) Section Numbers: Adopted Action:
215.109 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111k, pars. 1010 and 1027.
- 5) Effective Date of amendments: October 11, 1991
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted September 12, 1991.
- 9) Notice of Proposal Published in Illinois Register:
May 3, 1991, 15 Ill. Reg. 6414
- 10) Has JCRR issued a Statement of Objections to these rules? No.

Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111k, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

- 11) Differences between proposal and final version:

The Board has reworded this provision to clarify the limitations of the circumstances under which the Agency may require monitoring for exempted compounds. Thus, the Board described the purpose for the monitoring by limiting its use to those circumstances.

- 12) Have all the changes agreed upon by the Board and JCRR been made as indicated in the agreement letter issued by JCRR?

Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111k, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any other amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
215.123	Amendment	January 25, 1991, 15 Ill. Reg. 768
215.215	New Section	August 2, 1991, 15 Ill. Reg. 11059
- 15) Summary and Purpose of amendments:

A complete description is contained in the Board's Opinion of September 12, 1991 in R91-10, which Opinion is available from the address below.

The Board hereby amends its rules in response to USEPA additions to the list of chemicals exempted from the definition of volatile organic materials (VOMs). At 56 Fed. Reg. 11418, March 18, 1991, USEPA added five compounds and four classes of compounds to the list of negligibly photoreactive compounds exempt from regulation under state implementation plans (SIPs). Those compounds constitute additions to those compounds exempted in R89-8, effective January 1, 1990. The Board directs attention to that prior docket for information relating to the original listing of exempted compounds.

This rulemaking is adopted pursuant to the identical-in-substance mandate under Section 9.1(e) of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111k, par. 1009.1(e). Section 9.1(e) provides for quick adoption of regulations which are "identical in substance" to certain published federal policy statements and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCRR).

The revision to USEPA's "Recommended Policy on the Control of Volatile Organic Compounds" adds five compounds and four classes of compounds to the list of negligibly-photochemically-reactive compounds exempted from regulation as volatile organic compounds. This portion of the Board's rulemaking proceeding codifies the circumstances under which the IEPA may require monitoring. A parallel amendment to Part 211 effects the amendments to the definition of "volatile organic material" that actually exempts the compounds included in the federal policy revision.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 215

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
215.100
215.101
215.102
215.103
215.104
215.105
215.106
215.107
215.108
215.109

Introduction
Clean-up and Disposal Operations
Testing Methods
Abbreviations and Conversion Factors
Definitions
Incorporations by Reference
Afterburners
Determination of Applicability
Measurement of Vapor Pressure
Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section
215.121
215.122
215.123
215.124
215.125
215.126
215.127
215.128

Storage Containers
Loading Operations
Petroleum Liquid Storage Tanks
External Floating Roofs
Compliance Dates and Geographical Areas
Compliance Plan
Emissions Testing
Measurement of Seal Gaps

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section
215.141
215.142
215.143
215.144

Separation Operations
Pumps and Compressors
Vapor Blowdown
Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
215.181
215.182
215.183
215.184
215.185

Solvent Cleaning in General
Cold Cleaning
Open Top Vapor Degreasing
Conveyorized Degreasing
Compliance Plan

SUBPART F: COATING OPERATIONS

Section	Compliance Schedules
215.202	Emission Limitations for Manufacturing Plants
215.204	Alternative Emission Limitations
215.205	Exemptions from Emission Limitations
215.206	Compliance by Aggregation of Emission Sources
215.207	Testing Methods for Volatile Organic Material Content
215.208	Exemption from General Rule on Use of Organic Material
215.209	Alternative Compliance Schedule
215.210	Compliance Dates and Geographical Areas
215.211	Compliance Plan
215.212	Special Requirements for Compliance Plan
215.213	Roadmaster Emissions Limitations
215.214	

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN
AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section	Applicability
215.240	External Floating Roofs
215.241	Flexographic and Rotogravure Printing
215.245	Compliance Dates
215.249	

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section	Applicability
215.260	Petition
215.261	Public Hearing
215.263	Board Action
215.264	Agency Petition
215.267	

SUBPART K: USE OF ORGANIC MATERIAL

Section	Use of Organic Material
215.301	Alternative Standard
215.302	Fuel Combustion Emission Sources
215.303	Operations with Compliance Program
215.304	Viscose Exemption (Repealed)
215.305	

SUBPART N: VEGETABLE OIL PROCESSING

Section	Hexane Extraction Soybean Crushing
215.340	Hexane Extraction Corn Oil Processing
215.342	Recordkeeping For Vegetable Oil Processes
215.344	Compliance Determination
215.345	Compliance Dates and Geographical Areas
215.346	Compliance Plan
215.347	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART P: PRINTING AND PUBLISHING

Section	Flexographic and Rotogravure Printing
215.401	Exemptions
215.402	Applicability of Subpart K
215.403	Testing and Monitoring (Repealed)
215.404	Compliance Dates and Geographical Areas
215.405	Alternative Compliance Plan
215.406	Compliance Plan
215.407	Heatset Web Offset Lithographic Printing
215.408	Testing Methods for Volatile Organic Material Content
215.409	Emissions Testing
215.410	

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING EQUIPMENT

Section	Applicability
215.420	General Requirements
215.421	Inspection Program Plan for Leaks
215.422	Inspection Program for Leaks
215.423	Repairing Leaks
215.424	Recordkeeping for Leaks
215.425	Report for Leaks
215.426	Alternative Program for Leaks
215.427	Compliance Dates
215.428	Compliance Plan
215.429	General Requirements
215.430	Inspection Program Plan for Leaks
215.431	Inspection Program for Leaks
215.432	Repairing Leaks
215.433	Recordkeeping for Leaks
215.434	Report for Leaks
215.435	Alternative Program for Leaks
215.436	Open-Ended Valves
215.437	Standards for Control Devices
215.438	Compliance Date
215.439	

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section	Petroleum Refinery Waste Gas Disposal
215.441	Vacuum Producing Systems
215.442	Wastewater (Oil/Water) Separator
215.443	Process Unit Turnarounds
215.444	Leaks: General Requirements
215.445	Monitoring Program Plan for Leaks
215.446	Monitoring Program for Leaks
215.447	Recordkeeping for Leaks
215.448	Reporting for Leaks
215.449	

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

215.450
215.451
215.452
215.453

Alternative Program for Leaks
Sealing Device Requirements
Compliance Schedule for Leaks
Compliance Dates and Geographical Areas

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTSS

Section
215.461
215.462
215.463
215.464
215.465
215.466
215.467

Manufacture of Pneumatic Rubber Tires
Green Tire Spraying Operations
Alternative Emission Reduction Systems
Emission Testing
Compliance Dates and Geographical Areas
Compliance Plan
Testing Methods for Volatile Organic Material Content

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
215.480
215.481
215.482

Applicability of Subpart T
Control of Reactors, Distillation Units, Crystallizers,
Centrifuges and Vacuum Dryers
Control of Air Dryers, Production Equipment Exhaust Systems and
Filters

215.483
215.484
215.485
215.486
215.487
215.488
215.489

Material Storage and Transfer
In-Process Tanks
Leaks
Other Emission Sources
Testing
Monitors for Air Pollution Control Equipment
Compliance Schedule

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

Section
215.500
215.510
215.512
215.513
215.514
215.515
215.516
215.517

Exceptions
Coke By-Product Recovery Plants
Coke By-Product Recovery Plant Leaks
Inspection Program
Recordkeeping Requirements
Reporting Requirements
Compliance Dates
Compliance Plan

SUBPART V: AIR OXIDATION PROCESSES

Section
215.520
215.521
215.525
215.526
215.527

Applicability
Definitions
Emission Limitations for Air Oxidation Processes
Testing and Monitoring
Compliance Date

Section
215.541

Pesticide Exception

SUBPART W: AGRICULTURE

Section
215.561
215.562
215.563

Architectural Coatings
Paving Operations
Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
215.581
215.582
215.583
215.584
215.585
215.586

Bulk Gasoline Plants
Bulk Gasoline Terminals
Gasoline Dispensing Facilities
Gasoline Delivery Vessels
Gasoline Volatility Standards
Emissions Testing

SUBPART Z: DRY CLEANERS

Section
215.601
215.602
215.603
215.604
215.605
215.606
215.607
215.608
215.609
215.610
215.611
215.612
215.613
215.614
215.615

Perchloroethylene Dry Cleaners
Exemptions
Leaks
Compliance Dates and Geographical Areas
Compliance Plan
Exception to Compliance Plan
Standards for Petroleum Solvent Dry Cleaners
Operating Practices for Petroleum Solvent Dry Cleaners
Program for Inspection and Repair of Leaks
Testing and Monitoring
Exemption for Petroleum Solvent Dry Cleaners
Compliance Dates and Geographical Areas
Compliance Plan
Testing Method for Volatile Organic Material Content of Wastes
Emissions Testing

SUBPART AA: PAINT AND INK MANUFACTURING

Section
215.620
215.621
215.623
215.624
215.625
215.628
215.630
215.636

Applicability
Exemption for Waterbase Material and Heatset Offset Ink
Permit Conditions
Open-top Mills, Tanks, Vats or Vessels
Grinding Mills
Leaks
Clean Up
Compliance Dates

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BB: POLYSTYRENE PLANTS

Section	Applicability of Subpart BB
215.875	Emissions Limitation at Polystyrene Plants
215.877	Compliance Date
215.879	Compliance Plan
215.881	Special Requirements for Compliance Plan
215.883	Emissions Testing
215.886	

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section	Applicability
215.920	Permit Conditions
215.923	Control Requirements
215.926	

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section	Applicability
215.940	Permit Conditions
215.943	Control Requirements
215.946	

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section	Applicability
215.960	Permit Conditions
215.963	Control Requirements
215.966	

Appendix A	Rule Into Section Table
Appendix B	Section Into Rule Table
Appendix C	Past Compliance Dates
Appendix D	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
Appendix E	Reference Methods and Procedures
Appendix F	Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 1114, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments adopted in R88-30(A) at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991.

SUBPART A: GENERAL PROVISIONS

Section 215.109 Monitoring for Negligibly-Reactive Compounds

Any provision of 35 Ill. Adm. Code 211 notwithstanding, the Agency may require monitoring for any of the compounds listed at 35 Ill. Adm. Code 211.122 as exempted from the definition of "volatile organic material," as a precondition to such exemption where direct quantification of volatile organic material emissions is not possible due to any of the following circumstances which make it necessary to quantify the exempt compound emissions in order to quantify volatile organic material emissions:

- a) VOMs and exempted compounds are mixed together in the same emissions;
- b) There are a large number of exempted compounds in the same emissions; or
- c) The chemical composition of the exempted compounds in the emissions is not known.

(Source: Added at 15 Ill. Reg. 15595, effective October 11, 1991)

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Mandatory Vehicle Liability Insurance
- 2) Code Citation: 50 Ill. Adm. Code 8010
- 3) Section numbers: Adopted Action:
8010.20 Amendment
8010.30 Amendment
- 4) Statutory Authority: Implementing and authorized by Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 7-601 et seq.)
- 5) Effective Date of Amendment: October 15, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 15, 1991
- 9) Notice of Proposal Published in Illinois Register:
15 Ill. Reg. 7518, May 17, 1991
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Changed the Source Note in Section 8010.20 to read "Amended at 15 Ill. Reg." instead of "14 Ill. Reg."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: There was no substantive change to the law. Changes were technical and reduces the size of the insurance card.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE

CHAPTER IV: SECRETARY OF STATE

PART 8010

MANDATORY VEHICLE LIABILITY INSURANCE

Section

- 8010.10 Definitions
- 8010.20 Insurance Card Requirements
- 8010.30 Document Requirements for Other Evidence of Insurance
- 8010.40 Mandatory Vehicle Insurance Verification Form
- 8010.50 Insurance Company Verification
- 8010.60 Suspension Notices
- 8010.70 Termination of a Suspension for a Violation of the Mandatory Insurance Law
- 8010.80 Exemption for Certain Religious Organizations

AUTHORITY: Implementing and authorized by Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 7-601 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 2952, effective February 7, 1990; amended at 14 Ill. Reg. 19369, effective December 1, 1990; amended at 15 Ill. Reg. 15605, effective October 15, 1991.

Section 8010.20 Insurance Card Requirements

- a) Pursuant to Section 7-602 of the Act, each insurance company which issues vehicle liability policies in Illinois shall issue an insurance card to the policy holder of the vehicle indicating the vehicle is insured. The insurance card shall be issued in conjunction with the issuance or renewal of the policy. Additional insurance cards shall be issued upon request by the named insured.
- b) In the case of motor vehicles registered in Illinois, the top of the front of the insurance card shall display the words "ILLINOIS INSURANCE CARD". The words "IDENTIFICATION" and "TEMPORARY" may also be displayed at the discretion of the issuing company.
- c) The insurance card shall contain the following vehicle information:
 - 1) the vehicle year,
 - 2) the vehicle make, and
 - 3) either all or the last six (6) characters of the vehicle identification number (VIN). If the insurance card is issued for a fleet policy, it may state "FLEET" in lieu of vehicle years, makes, and VINs and if the card is issued with a non-

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

owner policy, it may state "NON-OWNER POLICY" in lieu of the vehicle year, make name and VIN.

- d) The insurance card shall contain the following insurance information:

- 1) the name of the insured(s);
- 2) the company name;
- 3) the company code number assigned by the National Association of Insurance Commissioners;
- 4) the policy number;
- 5) the effective date and expiration date which shall cover a period of time not to exceed 12 months;
- 6) a disclaimer as follows: "Examine policy exclusions carefully. This form does not constitute ~~constitute~~ any part of your insurance policy"; and
- 7) a warning of excluded drivers or vehicles, when applicable.

- e) The minimum size of the insurance card shall be 3" by 2 1/8 24"; no maximum size is prescribed. A minimum twenty (20) pound paper stock is required. Except for the required disclaimer and any required warnings, the required information shall be displayed on the front of the card. Except for the disclaimer and warnings, the required information shall be displayed in a minimum eight (8) point upper case type.

- f) The insurance card may include other information at the discretion of the insurer.

- g) Insurance companies may allow authorized representatives to issue temporary insurance cards to satisfy the requirements of the Act. Temporary insurance cards are not required to have the policy number but shall contain all other required information.

- h) In the case of a motor vehicle registered in another state or jurisdiction, an insurance card or other evidence of insurance is valid if it complies with the laws of the state or jurisdiction.

(Source: Amended at 15 Ill. Reg. 15605, effective October 15, 1991)

Section 8010.30 Document Requirements for Other Evidence of Insurance

- a) If an insured insurance owner has lost or has not yet received an insurance card from his/her insurance company, or is the resident of another state or jurisdiction other evidences of insurance may be carried in the vehicle for display to a law enforcement officer. These include but are not limited to the following:

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) A current policy declaration page.
- 2) A certificate of insurance.
- 3) An insurance binder.
- 4) The combination of proof of purchase of the motor vehicle within the previous sixty (60) days and a current insurance card issued for the motor vehicle replaced by such purchase. Proof of purchase shall include but not be limited to the following items:
 - A) bill of sale;
 - B) purchase agreement;
 - C) installment contract;
 - D) copy of front and back of title; or
 - E) the registration identification card showing transfer information; or
 - F) Illinois Department of Revenue tax form.
- 5) A receipt for payment of a current liability insurance premium.
- 6) ~~Illinois Department of Revenue tax form.~~

b) Except where noted, all information items listed are required on a binder, certificate of insurance, and a premium receipt for the document to qualify as evidence of insurance. The minimum requirements are:

- 1) company name;
- 2) policy number - not required on a binder or premium receipt;
- 3) effective date;
- 4) expiration date or number of days from the effective date;
- 5) name of insured(s);
- 6) vehicle year;
- 7) vehicle make;
- 8) either all or the last six characters of the vehicle identification number (VIN);
- 9) date of premium payment - required only on a receipt; and
- 10) signature of authorized representative.

c) Documents issued with a fleet policy may state "FLEET" in lieu of vehicle years, makes and VINs. Documents issued with a non-owner policy may state "NON-OWNER POLICY" in lieu of vehicle year, make and VIN.

(Source: Amended at 15 Ill. Reg. 15605, effective October 15, 1991)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Numbers Emergency Action
1318.180 New Section
1318.190 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) Effective date of amendments: October 10, 1991
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. N/A
- 7) Date filed in agency' principal office: October 10, 1991

8) Reason for the emergency: Maywood Park Race Track has installed a rail system which does not have a continuous hub rail. This type of rail and the style of racing involved is not currently covered by Illinois Racing Board rules. Open stretch racing is dramatically different from the conventional style and rules must be adopted on an emergency basis to protect the sport and individuals involved in harness racing at Maywood Park.

9) A complete description of the subjects and issues involved: The rail that has been installed at Maywood Park uses pylons on the inside of the track to keep horses off the grass. This system does not have a continuous, solid rail to prevent the horse or part of the sulky from leaving the race course. These rules deal specifically with circumstances which may force a horse inside the pylon and the steps a driver must take to guide the horse back on the track safely. These rules also provide for open stretch racing.

10) Are there any other proposed amendments pending in this Part? No.

11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

12) Information and questions regarding this emergency shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The full text of the emergency amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER F: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section	Racing Conduct
1318.10	Complaints
1318.20	Disqualification of Entries
1318.30	Penalties
1318.40	Unsatisfactory Driving
1318.50	Driver Substitution
1318.60	Failure to Finish
1318.70	Improper Conduct
1318.80	Whips and Snappers
1318.90	Goadling Devices
1318.100	Accidents
1318.110	Use of Hopples
1318.120	Breaking
1318.130	Breaking on Purpose
1318.140	Call Out Breaks
1318.150	Right of Course
1318.160	Penalties
1318.170	Harness Tracks Without a Continuous Hub Rail
1318.180	Emergency
1318.190	Open Stretch Racing
1318.200	Emergency

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (Original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendments at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days.

Section 1318.180 Harness Tracks Without a Continuous Hub Rail
EMERGENCY

- a) In the event a horse or part of the horse's sulky leaves the course, and if, in the opinion of the stewards, that action gives the horse an unfair advantage over the other horses in the

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

race, the horse may be disqualified or placed back one or more positions. In any such disqualification or placing, the horse gaining an unfair advantage shall be disqualified or place behind the horse or horses effected.

- b) In the event a horse or part of the horse's sulky leaves the course for any reason, it shall be the driver's responsibility to take all reasonable steps to safely re-enter the race course as soon as possible.

(Source: Emergency added at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days)

Section 1318.190 Open Stretch Racing
EMERGENCY

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack.

- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply:

- 1) No horse shall pass on the extended inside lane entering the first homestretch run.

- 2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.

(Source: Emergency added at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Illinois Veteran Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers: 2733.20 amendment
2733.30 amendment
- 4) Statutory Authority: Implementing Section 30-15.7d of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7d as amended by P.A. 87-116, effective August 11, 1991, and by P.A. 87-302, effective July 1, 1991) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f))

- 5) Effective Date of Rules: October 11, 1991

- 6) If this emergency rule amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. This emergency amendment will not expire before the end of the 150-day period.

- 7) Date Filed in Agency's Principal Office: October 7, 1991

- 8) Reason for Emergency: On August 8, 1991, Governor Edgar signed Public Act 87-116, which liberalized the residency requirements of the Illinois Veteran Grant Program. Shortly thereafter, on September 9, 1991, Governor Edgar signed Public Act 87-302, which now enables Persian Gulf War Veterans to partake in this entitlement program.

ISAC is unable to enact rules implementing Public Acts 87-116 and 87-302 in sufficient time to make them effective for the 1991-92 academic year. In the absence of emergency rules, certain otherwise qualified veterans would be precluded from receiving educational benefits and this could result in a corresponding decrease in student enrollment. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 9) A Complete Description of the Subjects and Issues Involved: These emergency amendments will extend eligibility to those veterans who reside with their spouses who are stationed overseas or outside Illinois. Previously, veterans had to return to Illinois within six months of their discharge to qualify for Illinois Veterans Grant Benefits, regardless of their marital status. These emergency amendments will also entitle Desert Shield and Desert Storm Veterans to the proceeds of this program until July 1, 1992. ISAC will adopt rules through the regular process prior to the expiration of these emergency amendments.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: Not Applicable
- 12) Information and questions regarding this rule shall be directed to:

Name: Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
Address: 106 Wilnot Road
Deerfield, Illinois 60015
Telephone: (708) 948-8500

The full text of the emergency amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10 Summary and Purpose

2733.20 Grant Eligibility

EMERGENCY

2733.30 Program Procedures

EMERGENCY

AUTHORITY: Implementing Section 30-15.7d of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7d, as amended by P.A. 87-116, effective August 11, 1991, and P.A. 87-302, effective July 1, 1991) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days.

Section 2733.20 Grant Eligibility

EMERGENCY

- a) A recipient must have been designated a Qualified Veteran. See: Section 2733.30(a).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

Fees Exempted by the IVG

- 1) The recipient is exempted from paying most fees including:

- A) Tuition and other instructional fees;
- B) activity, air flight and athletic fees;
- C) matriculation, service and other registration-type fees;
- D) off-campus and other extension course fees;
- E) application fees;
- F) graduation and transcript fees;
- G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
- H) health insurance fees.

- 2) The recipient is responsible for payment of the following fees:

- A) book rental fees;
- B) laboratory and supply fees;
- C) student union fees; and
- D) fees for the operation, maintenance, rental or equipping of any building or facility.

- 3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate.

- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of faculty contact hours.
- h) Notwithstanding the provisions of subsection (g), eligibility shall terminate upon the expiration of sixteen years from the beginning date of the first Term of assistance. Should the sixteen years expire after the start of a Term of study, the recipient may complete the Term with the grant awarded. No recipient's eligibility shall be terminated pursuant to this subsection prior to August 1, 1991.

- i) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to July 1, 1992.

(Source: Emergency amendment at 15 Ill. Reg. 15613 effective October 11, 1991, for a maximum of 150 days)

Section 2733.30 Program Procedures
EMERGENCY

- a) Applicants must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

- 1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and
- ii) who after leaving service returned to Illinois within 6 months; or
- iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or
- iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

- i) the Veteran was honorably discharged from such service for medical reasons directly connected with such service; or
- ii) the Veteran was honorably discharged prior to August 11, 1967; or
- iii) the Veteran was honorably discharged from such service and has at least nine months of active duty, part of which includes service in the Persian Gulf during Operations Desert Shield or Desert Storm.

- 2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard/militia are not eligible for assistance.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

A) Applicants should submit a copy of their Report of Separation (Form DD 214) with their application.

B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract (Form DD4) and a letter from the commanding officer. The letter must indicate the Applicant is a member of the Armed Forces at the time of application.

4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.

5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C), such designation shall expire upon discharge from the Armed Forces.

b) Qualified Veterans shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, Applicants must submit a copy of their notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. Qualified Veterans who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their IVS ID card to the Institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment request shall be October 15 for summer Terms; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.

2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.

3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

4) In the event that funds are not exhausted, claims received by ISAC after the designated deadline dates will be paid or prorated.

(Source: Emergency amendment at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part: Minority Teachers of Illinois Scholarship Aid Program

- 2) Code Citation: 23 Ill. Adm. Code 2763

- 3) Section numbers: Emergency Action:

2763.10	new
2763.20	new
2763.30	new
2763.40	new
2763.50	new

- 4) Statutory Authority: Implementing Section 30-15.7f of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f, as amended by P.A. 87-302, effective July 1, 1991), and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f))

- 5) Effective Date of Rules: October 11, 1991

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will not expire before the end of the 150-day period.

- 7) Date Filed in Agency's Principal Office: October 7, 1991

- 8) Reason for Emergency: On September 6, 1991, Governor Edgar signed Public Act 87-302, which included a section known as the Minority Teachers of Illinois Scholarship Aid Program. This act amended a newly established scholarship, which had been known as the Minority Male Teacher Incentive Program.

ISAC is unable to enact rules implementing P.A. 87-302 through the regular rulemaking process in sufficient time to make them effective for the 1991-92 academic year. In the absence of emergency rules, students would have no means to apply for the scholarships. ISAC would have no method to make awards to qualified applicants, and general revenue funds appropriated for the 1991-92 academic year would be returned to the state, unexpended, contrary to the intentions of the legislature. Further, this would result in serious delays in the processing of student aid applications and could result in a corresponding decrease in student enrollment. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

- 9) A Complete Description of the Subjects and Issues Involved: These emergency rules will govern the Minority Teachers of Illinois Scholarship Aid Program, which encourages academically talented minority students to pursue careers as teachers in Illinois elementary and secondary schools. The program is aimed at providing minority children with access to a greater number of positive minority role models. This rulemaking will establish application and institutional procedures for awarding these scholarships beginning with the 1991-92 academic year. ISAC will adopt rules through the regular rulemaking process prior to the expiration of these emergency rules.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: Not Applicable

- 12) Information and questions regarding this rule shall be directed to:

Name: Mr. Larry E. Matejka

Executive Director

Address: Illinois Student Assistance Commission

106 Wilmet Road

Deerfield, Illinois 60015

Telephone: (708) 948-8500

The full text of the emergency rules begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2763

MINORITY TEACHERS OF ILLINOIS SCHOLARSHIP AID PROGRAM

Section

2763.10 Summary of Purpose

EMERGENCY

2763.20 Definitions

EMERGENCY

2763.30 Minority Scholar Eligibility

EMERGENCY

2763.40 Application Procedures

EMERGENCY

2763.50 Institutional Procedures

EMERGENCY

AUTHORITY: Implementing Section 30-15.7f of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f, as amended by P.A. 87-302, effective July 1, 1991) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days.

Section 2763.10 Summary and Purpose

EMERGENCY

a) The Minority Teachers of Illinois Scholarship Aid Program encourages academically talented minority students to pursue careers as teachers at Illinois elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.

b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Aid Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

Section 2763.20 Definitions

EMERGENCY

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.2(c)).

"Cost of Attendance" - Defined at Section 472 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 108711 (1990)).

"Cumulative Grade Point Average" - The average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - An individual who is eligible to apply for scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a), as amended by P.A. 87-302, effective July 1, 1991).

"Minority Student" - Defined at Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a), as amended by P.A. 87-302, effective July 1, 1991).

"Minority Scholar" - An individual who has received scholarship assistance under this Part.

"Qualified Student" - An individual who ISAC determines to be eligible to receive scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a), as amended by P.A. 87-302, effective July 1, 1991).

"Institution of Higher Learning" - Defined at Section 30-15.2(d) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.2(d)).

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

NOTICE OF EMERGENCY RULES

Section 2763.30 Minority Scholar Eligibility
EMERGENCY

- a) ISAC shall accept applications to be a Minority Scholar in accordance with Section 2763.40 of this Part, Application Procedures.
- b) ISAC shall identify Qualified Students from among applications submitted on a timely basis. A "Qualified Student" is an individual who satisfies the following eligibility criteria:
 - 1) is a United States Citizen or an Eligible Non-citizen, and a Resident of Illinois; and
 - 2) is a Minority Student as defined in Section 30-15.7f of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a), as amended by P.A. 87-302, effective July 1, 1991). As provided in that Section, a Minority Student means a student who is either:
 - A) Black (a person having origins in any of the black racial groups in Africa); or
 - B) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race) and
 - 3) has graduated in the top 20 percent of his or her high school class; and
 - 4) is enrolled or accepted for enrollment as an undergraduate student at a qualified Institution of Higher Learning, in an approved Teacher Education Program; and
 - 5) is enrolled on a full-time basis at the sophomore level or above, as defined by his or her Institution of Higher Learning; and
 - 6) has a Cumulative Grade Point Average of no less than 2.5 on a 4.0 scale, or its equivalent; and
 - 7) is in good standing with the Satisfactory Academic Progress Policy of the Institution at which he or she is enrolled.
- c) Applicants will be notified whether they are Qualified Students. A non-Qualified Student may appeal a finding of ineligibility in accordance with 23 Ill. Admin. Code 2700.70, Appeal Procedures.

NOTICE OF EMERGENCY RULES

- d) At least 30 percent of the scholarships awarded under this Section shall be awarded to male Qualified Students.
- e) A Minority Scholar may receive a scholarship renewal provided the Minority Scholar:
 - 1) continues to maintain a Grade Point Average of no less than 2.5 on a 4.0 scale, or its equivalent, at the postsecondary level; and
 - 2) continues to meet the requirements of subsections (b)(1), (4), (5), and (7); and
 - 3) has not previously received a scholarship under this program at the same academic level for which the renewal scholarship is being requested; and
 - 4) has submitted an application on a timely basis, in accordance with Section 2763.40(b) of this Part, Application Procedures.
- f) No Minority Scholar may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all Qualified Students with a scholarship, available funds shall be allocated in accordance with subsection (d) and on the basis of the dates that the completed applications are received in ISAC's Deerfield office.

Section 2763.40 Application Procedures
EMERGENCY

- a) Applications for the Minority Teachers of Illinois Scholarship Aid Program are available from qualified Institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- b) A completed application must be received in ISAC's Deerfield office on or before the final date of the period of enrollment for which the scholarship is being requested.
- c) If an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing when it is complete.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- d) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.
- e) Eligible Applicants shall be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcript or any other documentation verifying class rank upon high school graduation.
- f) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign an Application/Teaching Agreement/Promissory Note prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:
 - 1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) a stipulation that such teaching commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part; and
 - 3) a further stipulation that such teaching commitment will be fulfilled at an Illinois public, private or parochial elementary or secondary school at which no less than 30 percent of the enrolled students are Minority Students, as certified by the Illinois State Board of Education.

Section 2763.50 Institutional Procedures
EMERGENCY

- a) The Institution shall submit the signed Application/Teaching Agreement/Promissory Note to ISAC on behalf of the Minority Scholar. The submission of the signed Application/Teaching Agreement/Promissory Note shall represent the Institution's request for payment.
- b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship; except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded.
- c) Funds shall be remitted by ISAC to Institutions on behalf of Qualified Students. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the Applicant is a Qualified Student as defined in Section 2763.30 of this Part.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- d) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.
- e) Scholarship Amount
 - 1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the size of the scholarship and submit a completed, certified Application/Teaching Agreement/Promissory Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.
 - 2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed:
 - A) tuition and fees plus room and board expenses charged by the Institution (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e), General Institutional Eligibility Requirements); or
 - B) tuition and fees plus the standard commuter allowance for students living off-campus (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e)); or
 - C) a maximum of \$5,000.
 - 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.
 - 4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Scholar shall not be eligible for scholarship assistance under this Part.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (Ill. Rev. Stat. 1989, Ch. 67 1/2, par. 1251, et. seq.) (the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including, the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare, annually update, and publish in the Illinois Register a plan which describes the available resources to the Program, the application process for the Program, and the priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan:

I. Available Resources

Based on a review of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 1992 shall be approximately 18 million dollars.

II. Application Process

The applicant must first complete an application form created by the Authority. The application requests, among other things, the following information:

- a. A general description of the proposed project.
- b. The total number of units, total number of low and very low income units, unit size and mix, and the respective rents to be charged.
- c. A breakdown of the project budget's uses and sources.
- d. A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- e. The background, housing experience, and financial status of the applicant.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY BANC ONE CORPORATION, COLUMBUS,
OHIO, TO ACQUIRE FIRST ILLINOIS
CORPORATION, EVANSTON, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Banc One Corporation, 100 East Broad Street, Columbus, Ohio 43271-0261, to acquire First Illinois Corporation, 800 Davis Street, Evanston, Illinois 60204-0712.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh
Thomas W. Stephans
Commissioner of Banks and Trust Companies
Room 100 Keisch Building
117 South Fifth Street
Springfield, Illinois 62701.

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

The Authority charges a \$250 application fee which must accompany the application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within 20 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board") for approval. Prior to the hearing by the Board, the Authority will notify parties interested in the application, including local officials, of the details of the project. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

III. Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those applications which demonstrate that the applicant has explored and exhausted all available public and private resources.
- b) Priority should be given to applications which demonstrate cost-efficiency and quality as compared to similar housing types in the relevant market area.
- c) Priority should be given to those projects which provide the lowest housing expense for the longest period of time, with a goal of ensuring that some Trust Fund monies be directed to the lowest income population.
- d) The Program should ensure an equitable distribution of Trust Fund monies across the State by establishing a goal of funding a proportionate number of units in each County as compared to that County's percentage of the State's low and very low income population.
- e) The Program should ensure that funding is provided for a proportionate number of units for the low and very low income special needs population as compared to the percentage that population represents of the State's low and very low income population.

**JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY**

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 9, 1991 through October 15, 1991, and have been scheduled for review by the Committee at its November 1991 meeting. Other items not contained in this published list may also be considered by the Committee at its November meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
11/24/91	Historic Preservation Agency, Rules for Review of State Agency Undertakings (17 Ill. Adm. Code 4180)	12/21/90 14 Ill. Reg. 20130	11/91
11/25/91	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.646)	5/10/91 15 Ill. Reg. 6949	11/91
11/25/91	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	7/26/91 15 Ill. Reg. 10909	11/91

EXECUTIVE ORDER

91-13

**AN EXECUTIVE ORDER CREATING AN ANNUAL REPORT
ON THE STATE OF THE RURAL ILLINOIS ECONOMY**

Whereas, the Institute For Rural Affairs at Western Illinois University is the State's academic clearinghouse for rural development data and initiatives; and

Whereas, the Governor's Rural Affairs Council and the Institute For Rural Affairs coordinate rural development initiatives through the Office of the Lieutenant Governor; and

Whereas, the Lieutenant Governor as the Chairman of the Governor's Rural Affairs Council is given the authority to organize government and private sector resources to secure assistance for and to enhance the quality of life in rural Illinois; and

Whereas, the Institute For Rural Affairs at Western Illinois University has developed a format for an Annual Report on the State of the Rural Illinois Economy and has agreed to produce this report.

Therefore, I, Jim Edgar, hereby order the following:

A. Executive Orders Number 6 and 7 (1986) are hereby amended in accordance with the provisions of this Executive Order.

B. There is created an Annual Report on the State of the Rural Illinois Economy.

C. The Annual Report on the State of the Rural Illinois Economy shall replace the Rural Fair Share Initiative created by Executive Order Number 6 (1986).

D. The Institute For Rural Affairs at Western Illinois University shall organize the Annual Report in cooperation with the Governor's Rural Affairs Council.

E. The Annual Report on the State of the Rural Illinois Economy shall assess rural economic indicators and make recommendations to the Governor and General Assembly on rural infrastructure needs.

F. The Governor's Rural Affairs Council and the Institute For Rural Affairs Western Illinois University shall issue the Annual Report on the State of the Rural Illinois Economy no later than August 1 of each year to the Governor and General Assembly.

G. For the purposes of the Annual Report on the State of the Rural Economy the following United States Bureau of the Census definitions as detailed in Rural Revitalization: The Comprehensive State Policy For The Future shall apply:

a. Rural County -- No municipality over 50,000 population. Under this definition Illinois has 76 non-metropolitan or rural counties.

b. Rural Area -- Under 2,500 population regardless of whether they are in a Metropolitan Statistical Area or not

This Executive Order Number 13 (1991), shall become effective upon filing with the Secretary of State.

Issued by the Governor October 11, 1991.

Filed with the Secretary of State October 11, 1991.

PROCLAMATION

91-451
ITALIAN HERITAGE MONTH
(Revised)

Whereas, Christopher Columbus and other distinguished Italians have played a significant role in the growth of civilization; and

Whereas, the strong traditions and rich culture of our Italian-American citizens are recognized by many Americans; and

Whereas, Italian-Americans have contributed to Illinois' arts, politics, sports, and socioeconomic life; and

Whereas, in October, the Joint Civic Committee of Italian Americans (JCCIA) will celebrate Italian Heritage Month with a variety of activities, including a parade on October 14;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1991 as ITALIAN HERITAGE MONTH in Illinois.

Issued by the Governor October 3, 1991.

Filed with the Secretary of State October 10, 1991.

91-481
DISABILITY INDEPENDENCE DAY
(Revised)

Whereas, more than two million Illinois residents have some type of physical, emotional, or mental disability that severely restricts them in one or more of life's major activities; and

Whereas, disabilities transverse ethnic, racial, religious, sexual, social, economic, and demographic lines; and

Whereas, myths, prejudices, stereotypes, fears, ignorance, and inaccurate language often pose greater barriers for people with disabilities than the disabilities themselves; and

Whereas, we need to work together to dissolve these social barriers so that individuals with disabilities may enjoy independence and the highest quality of life achievable; and

Whereas, society gains from the full participation of all citizens with disabilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4, 1991, as DISABILITY INDEPENDENCE DAY in Illinois. I urge support of the efforts of the Illinois Easter Seal Society, United Cerebral Palsy of Illinois, and other organizations who are dedicated to improving the quality of life for our citizens with disabilities.

Issued by the Governor October 2, 1991.

Filed with the Secretary of State October 10, 1991.

91-491
FISCHER'S RESTAURANT DAY

Whereas, in 1941, A.C. and Inez Fischer opened the Dutch Girl drive-in restaurant in Belleville; and

Whereas, the Dutch Girl drive-in, which evolved into Fischer's Restaurant, has grown into Southern Illinois' largest eatery; and

Whereas, Fischer's son Ken inherited the business and has maintained the restaurant's warmth, spirit, and family atmosphere; and

Whereas, Fischer's Restaurant serves as a cornerstone of the Belleville community and is an important piece in the patchwork of the city's history; and

Whereas, Fischer's Restaurant is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 8, 1991, as FISCHER'S RESTAURANT DAY in Illinois and extend congratulations to KEN FISCHER on his fine restaurant's 50th year of business.

Issued by the Governor September 8, 1991.

Filed with the Secretary of State October 10, 1991.

91-492
BASKETBALL CENTENNIAL SEASON/
BASKETBALL CENTENNIAL WEEK

Whereas, basketball, as founded by Dr. James Naismith, is a uniquely American sport with origins and heritage that befit "The American Game"; and

Whereas, through its teaching of teamwork, dedication, commitment, and sportsmanship, basketball has made important contributions to our nation; and

Whereas, the major governing bodies of the game continue to support the widespread involvement in the sport and its spirit of personal development, physical fitness, and competition; and

Whereas, the 1991-1992 season marks the 100th anniversary of basketball; and

Whereas, the sport's anniversary will be celebrated by players from all levels of basketball--male and female, amateur through professional, national and international; and

Whereas, the 100th anniversary commemoration has the full support, cooperation and endorsement of the National Federation of State High School Associations, the National Collegiate Athletic Association, USA-Basketball, the National Basketball Association, and the Basketball Hall of Fame;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1991-1992 as BASKETBALL CENTENNIAL SEASON and December 15-22, 1991, as BASKETBALL CENTENNIAL WEEK in Illinois.

Issued by the Governor October 3, 1991.

Filed with the Secretary of State October 10, 1991.

91-493
CREDIT UNION MONTH/CREDIT
UNION WEEK/CREDIT UNION DAY

Whereas, credit unions are individual, independent cooperatives founded by people seeking economic advancement and are passports to opportunity for people seeking a way to improve the condition of their lives and those of their families; and

Whereas, credit unions create opportunity in 79 nations around the world, so that 34,000 credit unions can serve the financial needs of 77 million members, associated through local, state, regional, and international organizations sharing the same commitment to serving credit union members; and

Whereas, Illinois continues to be a leader in the credit union movement, with more than 1,700,000 Illinois citizens as members of the 638 state chartered credit unions; and

Whereas, the 66th anniversary of the enactment of the Credit Union Law in Illinois will be celebrated throughout the state in October, when International Credit Union Day, Week, and Month are observed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1991 as CREDIT UNION MONTH; October 14-18, 1991, as CREDIT UNION WEEK; and October 17, 1991, as CREDIT UNION DAY in Illinois.

Issued by the Governor October 3, 1991.

Filed with the Secretary of State October 10, 1991.

91-494
DENTAL HYGIENE WEEK

Whereas, in the practice of dentistry, the dental hygienist is an essential member of today's dental team and provides the knowledge necessary for proper oral hygiene care. The dental hygienist is a college-educated, licensed professional who is skilled in performing a complete oral prophylaxis and educating the patients regarding the state of their oral health; and

Whereas, the prophylactic and educational services of the dental hygienist are essential in the dental office, as well as in public health facilities, institutions, private organizations, and research facilities, to provide for the best possible oral health care of the consumer; and

Whereas, more than 1,000 registered dental hygienists are members of the 12 local components of the Illinois Dental Hygienists' Association. Through the association, the hygienists work to improve the dental health of residents of this state and to further their own education and professionalism in serving the public;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-19, 1991, as DENTAL HYGIENE WEEK in Illinois

and urge citizens to become familiar with and appreciate the practice of dental hygiene.

Issued by the Governor October 3, 1991.

Filed with the Secretary of State October 10, 1991.

91-495
ENVIRONMENTAL HEALTH PRACTITIONERS WEEK

Whereas, the Illinois Environmental Health Association represents professional environmental health practitioners in the State of Illinois; and

Whereas, professional environmental health practitioners, trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

Whereas, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

Whereas, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 15-16 in Springfield;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-19, 1991, as ENVIRONMENTAL HEALTH PRACTITIONERS WEEK in Illinois in recognition of the Illinois Environmental Health Association and its contributions to the health and welfare of all citizens.

Issued by the Governor October 3, 1991.

Filed with the Secretary of State October 10, 1991.

91-496
HOME ACCESSIBILITY MONTH

Whereas, the Americans with Disabilities Act of 1990 identified 43 million persons with disabilities in this nation; and

Whereas, many Illinoisans will, at some time in their lives, have a temporary or permanent disability that will prevent them from climbing stairs; and

Whereas, 32 million Americans are currently over age 65, and many older citizens acquire vision, hearing, and physical disabilities as part of the aging process; and

Whereas, many older Illinoisans face the prospect of leaving their homes because the structures are not easily accessible; and

Whereas, one of every three persons in the United States will need accessible housing at some point in life; and

Whereas, the need for public information and education in the area of accessible single-family homes is increasing; and

Whereas, our state places a high priority on making our

ILLINOIS REGISTER

communities and our homes accessible to people with disabilities; and

Whereas, the National Easter Seal Society and Century 21 Real Estate Corporation have initiated the "Easy Access Housing for Easier Living" national public education campaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1991 as HOME ACCESSIBILITY MONTH in Illinois to underscore the growing need for accessible single-family homes in our state.

Issued by the Governor October 3, 1991.
Filed with the Secretary of State October 10, 1991.

91-497

LUPUS AWARENESS MONTH

Whereas, Lupus Erythematosus is a degenerative, chronic inflammatory disease of the connective tissue that binds the body's cells together. It may be confined to the skin or may affect joints and internal organs; and

Whereas, more than one-half million Americans suffer from this progressive disease, and most of them are young women; and

Whereas, although the cause is still unknown, the prognosis for Lupus sufferers has greatly improved. Massive research programs have resulted in the prevention of disability, control of fatal complications, and prolonged survival; and

Whereas, the Lupus Foundation of America, Inc. provides assistance and support to our citizens through its community chapters;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1991 as LUPUS AWARENESS MONTH in Illinois, and commend the Lupus Foundation of America on its efforts to find a cure for this complicated and unpredictable disease.

Issued by the Governor October 3, 1991.
Filed with the Secretary of State October 10, 1991.

91-498

OFCCP COMMEMDED

Whereas, the United States Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) aims to ensure that all businesses with federal government contracts do not discriminate in employment decisions on the basis of race, sex, color, religion, national origin, disability, Vietnam era or disabled veteran status; and

Whereas, the OFCCP has created the glass ceiling initiative, which seeks to implement the following goals: to promote a quality, inclusive and diverse workforce capable of meeting the challenge of global competition; to promote good corporate conduct through an emphasis on corrective and cooperative problem-solving; to promote equal opportunity, not mandated

ILLINOIS REGISTER

results; and to establish a blueprint of procedures to guide the department in conducting future reviews of all management levels of the corporate workforce; and

Whereas, the OFCCP, through its regional offices, works with its sister agencies in state and local government; and

Whereas, the OFCCP has established a good working relationship with the states involved, and Illinois is one of those states; and

Whereas, the OFCCP is celebrating its 25th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the OFCCP on its 25th year of service to our state and our nation.

Issued by the Governor October 4, 1991.

Filed with the Secretary of State October 10, 1991.

Issued by the Governor October 4, 1991.

Filed with the Secretary of State October 10, 1991.

91-499

POLISH AMERICAN HERITAGE MONTH

Whereas, for generations the State of Illinois has served as a haven for Polish people fleeing oppression and economic strife in their homeland; and

Whereas, from their earliest days on this soil, Polish Americans have contributed significantly to all aspects of our society, holding forth their deep convictions of hard work, family values, education, religion, and building for the future; and

Whereas, Polish Americans have made and continue to make enormous contributions to the culture, economy, and democratic political systems of Illinois; and

Whereas, the long-standing love of liberty deeply rooted in the Polish tradition, and exemplified by Casimir Pulaski and Thaddeus Kosciuszko, has once again made its mark upon the world by bringing about the fall of Communism and the expansion of democracy in Eastern Europe and the Soviet Union; and

Whereas, the Polish American Congress has designated October as Polish American Heritage Month to call attention to the immense contributions of the Polish people to the development and strength of Illinois and the entire United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1991 as POLISH AMERICAN HERITAGE MONTH in Illinois in recognition of the significant contributions Polish Americans have made to our society.

Issued by the Governor October 4, 1991.
Filed with the Secretary of State October 10, 1991.

Whereas, discovered by Dr. Henry Turner in 1938, Turner's Syndrome is a serious genetic disorder that impedes the growth

91-500

TURNER'S SYNDROME SOCIETY DAYS

Whereas, discovered by Dr. Henry Turner in 1938, Turner's Syndrome is a serious genetic disorder that impedes the growth

and sexual development in about one out of every 2,000 young girls; and

Whereas, Turner's Syndrome Society, a national organization, shows support for Turner's Syndrome victims and their families, promotes public and professional awareness of the disorder, organizes and funds research projects, and develops fundraising strategies; and

Whereas, the society's efforts have been instrumental in the medical communities' efforts to understand and provide treatment for Turner's Syndrome; and

Whereas, the Turner's Syndrome Society of the United States will hold its Fourth Annual Conference at the Ramada O'Hare Hotel in Chicago October 11-13;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-13, 1991, as TURNER'S SYNDROME SOCIETY DAYS in Illinois.

Issued by the Governor October 4, 1991.

Filed with the Secretary of State October 10, 1991.

91-501

VICTORY WEEK

Whereas, life can be seen as a conflict between ascending forces of inner freedom and descending limitations imposed by circumstances. In this struggle, victory emerges from the undaunted ascent of the human spirit; and

Whereas, in this fine example of the vitality of human effort and purpose, many among us struggle each day to overcome adversity. Those who succeed, and do so by providing an example to the rest of us, truly represent the victory of the human spirit. They have exemplified exceptional depth of inner strength, tenacity of purpose, integrity of effort and courage in the face of adversity; and

Whereas, these special individuals have earned our respect; now they deserve recognition. By celebrating their victories, we offer hope to the millions of Americans facing the personal challenge of mental illness, substance abuse, physical illness or disability, or any other adversity; and

Whereas, the National Rehabilitation Hospital, which sponsors the Annual Victory Awards Celebration in Washington, D.C., joins in recognizing those individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17-24, 1991, as VICTORY WEEK in Illinois.

Issued by the Governor October 4, 1991.

Filed with the Secretary of State October 10, 1991.

91-502

EMPLOYEE LEASING WEEK

Whereas, nearly one million workers in our nation take part

in employee leasing arrangements, an innovative approach to the problem faced by smaller companies in providing adequate benefits for their employees; and

Whereas, leased employees are assigned to their original employer, who supervises them day-to-day. The leasing company is responsible for personnel and benefit administration and must comply with all state and federal regulations; and

Whereas, employee leasing companies give client companies regular, year-to-date, itemized reports detailing taxes, Social Security withholdings, worker's compensation, and other costs for each employee; and

Whereas, through employee leasing, workers are eligible for a wide range of benefits, including major medical and dental plans, prescription cards, group auto insurance, pretax savings and retirement plans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14-20, 1991, as EMPLOYEE LEASING WEEK in Illinois.

Issued by the Governor October 7, 1991.

Filed with the Secretary of State October 10, 1991.

91-503

GIFTED EDUCATION MONTH

Whereas, in 1963, legislation was passed to fund Gifted Education in Illinois, and the 1991-1992 school year marks the 28th anniversary of this funding; and

Whereas, no children have more promises to keep and more opportunities to pursue than those we call gifted; and

Whereas, education is a key that opens doors and unlocks the minds of gifted students who find new doors; and

Whereas, education has a responsibility to challenge, encourage, and stimulate every child and explore the parameters of a child's curiosity; and

Whereas, efforts are being made to implement programs for students in all grades and in all the fundamental learning areas, and activities have been arranged to raise awareness and support for the educational needs of gifted students; and

Whereas, the 28th annual Illinois Gifted Education Conference will be held December 2-4, 1991, with the theme "Continuing the Commitment;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1991 as GIFTED EDUCATION MONTH in Illinois.

Issued by the Governor October 7, 1991.

Filed with the Secretary of State October 10, 1991.

91-504

HOME ECONOMICS WEEK

Whereas, home economists are active numerous service and

commercial enterprises. They are concerned primarily with strengthening family life through education, improving goods and services important to families, and determining changing needs and ways of satisfying them; and

Whereas, the Illinois Home Economics Association was established in 1921; and

Whereas, the association will hold its annual conference October 24, 25, and 26 in Effingham. The conference will feature workshops and lectures by nationally and locally recognized authorities in home economics and related fields;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20-26, 1991, as HOME ECONOMICS WEEK in Illinois, in appreciation of the many ways home economists improve living standards and the quality of family life.

Issued by the Governor October 8, 1991.

Filed with the Secretary of State October 10, 1991.

91-505

COMPUTER SECURITY DAY

Whereas, computers have become an indispensable part of our business and personal lives; and

Whereas, with the widespread use of computer technology, however, there has been an increase in computer-related crimes, information abuse, industrial espionage, and critical system failures; and

Whereas, the Association for Computing Machinery (ACM) was founded in 1947 and is the world's largest educational and scientific computer association; and

Whereas, ACM is sponsoring the fourth annual Computer Security Day December 2 to spotlight the importance of safeguarding computer systems; and

Whereas, a series of seminars will be held in preparation of the event, focusing on safeguarding measures such as protecting against unauthorized access, maintaining data integrity and availability, and planning for disaster recovery;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 2, 1991, as COMPUTER SECURITY DAY in Illinois.

Issued by the Governor October 9, 1991.

Filed with the Secretary of State October 10, 1991.

91-506

ELMER GERTZ DAY

Whereas, Elmer Gertz is known for his outstanding contributions as a lawyer, author, and civil libertarian; and

Whereas, furthermore, Elmer has taken great strides to assist citizens who are blind or visually impaired. His interest in helping visually disabled people was sparked in his college days, when his own vision problems developed; and

Whereas, since retiring from his legal career, Elmer has funneled his enthusiasm into expanding programs offered by the Blind Service Association. Elmer has served on the association's board for 10 years, as president for the past four years and executive vice president for four years; and

Whereas, under his direction, the Blind Service Association became the first organization to concentrate on programs for people with low vision. He has helped expand reading and recording centers to the federal detention center and initiated a job search program; and

Whereas, in addition, he still authors articles and books, as well as conducting seminars at John Marshall Law School, where he serves as adjunct professor; and

Whereas, Elmer's commitment and contributions to the Blind Service Association will be recognized by the Kagan Home for the Blind at a Distinguished Service Award Dinner October 20;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1991, as ELMER GERTZ DAY in Illinois and commend Elmer on the dedication he has shown to improving the quality of life for our citizens.

Issued by the Governor October 9, 1991.

Filed with the Secretary of State October 10, 1991.

91-507

RADON ACTION WEEK

Whereas, radon gas is the second leading cause of lung cancer in smokers and the leading cause among non-smokers; and

Whereas, any home may have high levels of radon, even if neighboring homes do not; and

Whereas, radon testing is easy, inexpensive, and produces reliable results; and

Whereas, making simple home repairs can significantly reduce a family's risk of lung cancer; and

Whereas, the U.S. Senate passed legislation designating October 13-19, 1991, as National Radon Action Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-19, 1991, as RADON ACTION WEEK in Illinois, in accordance with the national observance.

Issued by the Governor October 9, 1991.

Filed with the Secretary of State October 10, 1991.

91-508

UNITED NATIONS DAY

Whereas, the world continues to seek the road of peace and international cooperation through the United Nations; and

Whereas, U.S. support and leadership in the United Nations is essential to successfully achieving the goals and objectives of the world organization; and

91

Whereas, the central role of the United Nations has grown significantly in the international effort against illicit narcotics trafficking, maintaining peace and security, protecting the environment, and providing hope and comfort to the many people facing poverty, disease, and civil unrest throughout the world; and

Whereas, the 46th birthday of the United Nations will be observed October 24th, with the theme "Uniting the World Against Drugs;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24, 1991, as UNITED NATIONS DAY in Illinois.

Issued by the Governor October 9, 1991.

Filed with the Secretary of State October 10, 1991.

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ICAR - Joint Committee on Administrative Rules

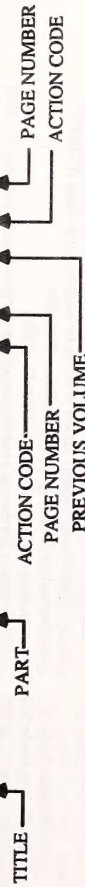
ACTION CODES

- | | | |
|----|---|--------------------------------------|
| A | - | Adopted Rule |
| AR | - | Adopted Repealer |
| C | - | Notice of Corrections |
| CC | - | Codification Changes |
| E | - | Emergency Rule |
| ER | - | Emergency Repealer |
| M | - | Modification to meet JCAR objections |
| O | - | JCAR Statement of Objections |
| P | - | Proposed Rule |
| PF | - | Prohibited Filing Ordered by JCAR |
| PP | - | Peremptory or Court ordered Rules |
| PR | - | Proposed Repealer |
| R | - | Refusal to meet JCAR objection |
| RC | - | Statement of Recommendation |
| S | - | Suspension ordered by JCAR |
| W | - | Withdrawal to meet JCAR objections |

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85: A-6818)



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217)782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

- 62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P 141; A-6513)

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240
Community Care Program (E-2838; A-10351) (P-18635/90; A-10351) (P-14335) (E-14593)

AGRICULTURE, DEPARTMENT OF

- | | |
|----------------------|--|
| 8 III. Adm. Code 255 | Agricultural Facilities (E-128) |
| 8 III. Adm. Code 270 | III. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455) |
| 8 III. Adm. Code 125 | Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117) (PP-8714) (P-1583; A-3801) (PP-13976) |
| 2 III. Adm. Code 700 | Organizational Chart, Description, Rulemaking Procedure, & Programs (A-6105) |
| 2 III. Adm. Code 290 | Standardbred & Thoroughbred Horse Breeding & Racing Programs (P-19087/90; A-3207) |

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- | | |
|------------------------|---|
| 77 III. Adm. Code 2030 | Award & Monitoring of Funds (P-9083) |
| 77 III. Adm. Code 2031 | Award Criteria & Procedure (PR-9149) |
| 77 III. Adm. Code 2030 | Fiscal & Programmatic Requirements (PR-9153) |
| 77 III. Adm. Code 2058 | Licensure of Alcoholism & Substance Abuse Treatment, Intervention & Research Programs (P-6457/90; A-2597) (P-8837; A-13708) |
| 77 III. Adm. Code 2090 | Subacute Alcoholism & Substance Abuse Treatment Services (P-9785; E-10222; C-11343) |
| 77 III. Adm. Code 2032 | Suspension & Termination of Financial Assistance (PR-9218) |

77 Ill. Adm. Code 2090

- 77 Ill. Adm. Code 2030
-
- 77 Ill. Adm. Code 2032

ILLINOIS REGISTER

ASBESTOS ABATEMENT AUTHORITY, ILLINOIS

- Organization, rulemaking & Public Information (A-2660)

ATTORNEY GENERAL

- Motor Vehicle Advertising (P-6343)**

AUDITOR GENERAL

- Code of Regs. (P-15645/90; A-3429)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-3611)
Administration of Collateral Obtained in Collection of a Debt (P-3614)
Corporate Fiduciary Receivership Account (P-1518190; A-167)
Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings (P-2053)

CARNIVAL-AMUSEMENT SAFETY BOARD

- Carnival & Amusement Ride Inspection Law (P-2989/90; A-4109)**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- [illegible]

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- | | |
|-----------------------|--|
| 89 III. Adm. Code 431 | Confidentiality of Personal Information of Persons Served by the Dept. (P-431/390; A-24) |
| 89 III. Adm. Code 352 | Financial Responsibility of Parents or Guardians of the Estates of Children (P-1887/190; A-11111) (P-1322) (E-13554) |
| 89 III. Adm. Code 407 | Licensing Standards for Day Care Centers (P-14729) |
| 89 III. Adm. Code 406 | Licensing Standards for Day Care Home (P-14734) (E-15088) |
| 89 III. Adm. Code 408 | Licensing Standards for Group Day Care Homes (P-14764) (E-15104) |
| 89 III. Adm. Code 335 | Relative Home Placement (P-8415) |
| 89 III. Adm. Code 300 | Reports of Child Abuse & Neglect (P-8735; PF-14320) (E-14285) |

COMMERCE AND COMMUNITY AFFAIRS. DEPARTMENT OF

- | | |
|------------------------|--|
| 36 III. Adm. Code 2625 | Economic Dislocation & Worker Adjustment Assistance (P-13045/90; A-103(08) (P-13074/90; A-10386) (P-19495/90; RC-11532; A-13092) |
| 56 III. Adm. Code 2620 | Employment & Training Assistance for Dislocated Workers (PR-12964) |
| 14 III. Adm. Code 520 | Enterprise Zone Program (P-13060/90; A-8683) (P-9787) |
| 47 III. Adm. Code 140 | III. Clean and Beautiful Program (PR-13241) |
| 14 III. Adm. Code 510 | III. Promotion Act Programs (P-13072/90; A-2673) (P-677; A-8848) |
| 14 III. Adm. Code 570 | III. Small Business Development Program (P-4528; A-9902) |
| 56 III. Adm. Code 2650 | Industrial Training Program (P-19503/90; W-3602) |
| 14 III. Adm. Code 550 | Local Tourism & Convention Bureau Program (P-8782/90; A-1798) (P-10249) (E-10498; C-11014) |
| 47 III. Adm. Code 100 | Residential Energy Assistance Partnership Program (P-15189/90; O-1575; R-3603; A-3437) (P-14337) (E-14604) |
| 14 III. Adm. Code 640 | Rural Diversification Act Program (P-13391/90; A-7558) |

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (CONT'D)

- 56 Ill. Adm. Code 2600
Service Delivery System & State Responsibilities (P-691; A-13102) (P-11865)
- 47 Ill. Adm. Code 110
State Administration of the Federal Community Development Block Grant Program for Small Cities (P-10985/90; O-19076/90; R-3127 A-4410)
- 47 Ill. Adm. Code 120
State Administration of the Federal Community Services Block Grant Program (P-8617) (P-13993)
- 14 Ill. Adm. Code 545
Technology Advancement & Development Act Programs (P-3620; A-15040)
- 14 Ill. Adm. Code 540
Technology Commercialization Grant-In-Aid Programs (P-11022/90; A-973)
- 56 Ill. Adm. Code 2610
Training Services for the Disadvantaged (P-13074/90; A-10386) (P-16117/90; A-7595) (P-3641; A-13137) (P-11894)
- 56 Ill. Adm. Code 2630
Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-8081) (P-11545) (P-17407/90; RC-14321)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 760
Cellular Radio Exclusion (P-14340)
- 92 Ill. Adm. Code 1311
Commodity Group Definitions (P-4195)
- 92 Ill. Adm. Code 1535
Crossings of Rail Carriers & Highways (P-18177/90; A-10920)
- 83 Ill. Adm. Code 756
Dual Party Relay Service (P-18675/90; A-5618)
- 83 Ill. Adm. Code 315
Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-13585)
- 83 Ill. Adm. Code 280
Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (G.O. #172) (P-9801)
- 83 Ill. Adm. Code 445
Purchase & Sale of Electric Energy From Qualified Solid Waste Energy Facilities (P-11025)
- 83 Ill. Adm. Code 220
Reports of Accidents by Telecommunications Carriers & by Fixed Public Utilities Other Than Pipelines Transporting Liquids (P-15653/90; A-5056)
- 83 Ill. Adm. Code 780
Right-of-Way Precondemnation Negotiations by Telephone Companies (P-13100/90; A-5062)
- 83 Ill. Adm. Code 285
Standard Filing Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-9807)
- 83 Ill. Adm. Code 410
Standards of Service for Electric Utilities (P-11899)
- 83 Ill. Adm. Code 500
Standards of Service for Gas Utilities (P-11905)
- 83 Ill. Adm. Code 730
Standards of Service for Local Exchange Telecommunications Carriers (P-1627)
- 83 Ill. Adm. Code 755
Standards of Service for Telephone Utilities (G.O. 197) (PR-1650)
- 83 Ill. Adm. Code 757
Telecommunications Access for the Hearing & Voice Impaired (P-19109/90; A-5624)
- 83 Ill. Adm. Code 1270
Telephone Assistance Programs (PR-4803; RC-5111; AR-11926) (ER-5082)
- 83 Ill. Adm. Code 710
Transfers of Licenses (P-16170/90; A-10925)
- 92 Ill. Adm. Code 1308
Uniform System of Accounts for Telecommunications Carriers (P-20565/90; A-8205) Unlawful Operations (P-8097; A-14414)

COMMUNITY COLLEGE BOARD

- 23 Ill. Adm. Code 1501
Administration of the Ill. Public Community College Act (P-18890/90; A-10929) (P-12980)

COMPTROLLER

- 74 Ill. Adm. Code 285
Claim Eligible to be Offset (P-17139/90; A-5070)
- 74 Ill. Adm. Code 280
Public Radio & Television Grants (P-18359/90; O-5112; R-8724; A-8696)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 3035
Boat Access Area Construction Program (P-18365/90; A-4117) (P-14783)
- 17 Ill. Adm. Code 530
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4805; A-9924) (P-12086)
- 17 Ill. Adm. Code 830
Commercial Fishing and Musseling in Certain Waters of the State (P-2057; RC-8314; A-8544)
- 17 Ill. Adm. Code 115
Competitive Tournament Fishing on State-Owned &/or Leased Water Areas (P-3365; A-9948)
- 17 Ill. Adm. Code 2520
Consignment of Licenses (P-725; A-7653)
- 17 Ill. Adm. Code 950
Dog Training on Department-Owned or Managed Sites (P-6807; A-11581)

CONSERVATION, DEPARTMENT OF (CONT'D)

- 17 Ill. Adm. Code 730
Dove Hunting (P-4200; A-9951)
- 17 Ill. Adm. Code 590
Duck, Goose & Coot Hunting (P-17144/90; A-1487) (P-7809; A-13293) (P-14157)
- 17 Ill. Adm. Code 1590
Falconry & the Captive Propagation of Raptors (P-16174/90; A-32) (P-11359)
- 17 Ill. Adm. Code 510
General Hunting & Trapping on Department-Owned or -Managed Sites (P-4829; A-9966)
- 17 Ill. Adm. Code 3040
Ill. Bicycle Path Grant Program (P-18380/90; A-4132)
- 17 Ill. Adm. Code 1010
Ill. List of Endangered & Threatened Fauna (P-13594)
- 17 Ill. Adm. Code 2550
Ill. Salmon Stamp Contest Procedures (P-3655; A-9973)
- 17 Ill. Adm. Code 3010
Ill. Snowmobile Grant Program (P-14794)
- 17 Ill. Adm. Code 3030
Land & Water Conservation Fund Grant Program (P-14807)
- 17 Ill. Adm. Code 570
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Trapping (P-6811; P-11586)
- 17 Ill. Adm. Code 220
North Point Marina (P-16182/90; A-1495) (P-9233; A-14418)
- 17 Ill. Adm. Code 525
Nuisance Wildlife Control Permits (P-18397/90; A-4149)
- 17 Ill. Adm. Code 1070
Possession of Specimens or Products of Endangered & Threatened Species (P-7855; A-13341)
- 17 Ill. Adm. Code 110
Public Use of State Parks & Other Properties of the Dept. of Conservation (P-10251; A-14423)
- 17 Ill. Adm. Code 550
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-6823; A-11598)
- 17 Ill. Adm. Code 3020
Snowmobile Trail Establishment Fund Grant Program (P-14820)
- 17 Ill. Adm. Code 690
Squirrel Hunting (P-4214; A-10012)
- 17 Ill. Adm. Code 810
Sport Fishing Regs. for the Waters of Ill. (P-18905/90; A-4699) (P-5160) (P-5160; A-9977) (E-5430) (P-8101; A-13347)
- 17 Ill. Adm. Code 880
Taking of Reptiles & Amphibians, The (P-13603)
- 17 Ill. Adm. Code 720
Taking of Wild Turkeys - Fall Archery Season, The; (P-6836; A-11611)
- 17 Ill. Adm. Code 715
Taking of Wild Turkeys - Fall Gun Season, The; (P-6842; A-11618)
- 17 Ill. Adm. Code 710
Taking of Wild Turkeys - Spring Season, The (P-18409/90; A-4161) (P-14833)
- 17 Ill. Adm. Code 1535
Timber Harvest Fees (P-20117/90; A-5219)
- 17 Ill. Adm. Code 670
White-Tailed Deer Hunting by Use of Bow & Arrow (P-4836; A-10021) (P-10255)
- 17 Ill. Adm. Code 650
White-Tailed Deer Hunting by Use of Firearms (P-4853; A-10038)
- 17 Ill. Adm. Code 680
White-Tailed Deer Hunting Season by Use of Handguns (P-8107; A-13353)
- 17 Ill. Adm. Code 660
White-Tailed Deer Hunting by Use of Muzzleloading Rifles (P-19123/90; A-4777) (P-6851; A-11627)
- 17 Ill. Adm. Code 740
Woodcock, Snipe, Rail & Teal Hunting (P-4222; A-10057)

CORRECTIONS, DEPARTMENT OF

- 20 Ill. Adm. Code 701
County Jail Standards (P-7861; A-13789)
- 20 Ill. Adm. Code 415
Health Care (P-15228/90; O-21107; R-1168; A-988)
- 20 Ill. Adm. Code 460
Impact Incarceration Program (P-18421/90; A-3479)
- 20 Ill. Adm. Code 107
Records of Committed Persons (P-19507/90; A-5638)
- 20 Ill. Adm. Code 502
Safety, Maintenance & Sanitation (P-5935; A-11928)
- 20 Ill. Adm. Code 405
School District #428 (P-1; A-5642)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1560
Operating Procedures for the Administration of Non-Federal Grant Funds (P-8800/90; A-7034)

DEVELOPMENT FINANCE AUTHORITY

- 14 Ill. Adm. Code 1220
Financing Programs (P-8747)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 225
Alcohol & Drug Education Initiative (P-10265)
- 23 Ill. Adm. Code 25
Certification (P-10277)
- 23 Ill. Adm. Code 250
Comprehensive Arts Programs (P-11447/90; A-463)
- 23 Ill. Adm. Code 54
Fellowship, Traineeship & Scholarship Programs (P-9237)

ILLINOIS REGISTER

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

EDUCATION, STATE BOARD OF (CONT'D)

- 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-6931/90; O-21110/90; M-2877; A-7692)
- 23 Ill. Adm. Code 220 Scientific Literacy (10288)
- 23 Ill. Adm. Code 350 Secular Textbook Loan (P-9250)
- 23 Ill. Adm. Code 226 Special Education (P-11068/90; A-40)

EDUCATIONAL OPPORTUNITY, ILLINOIS CONSORTIUM FOR

- 23 Ill. Adm. Code 2400 Ill. Consortium for Educational Opportunity Program (P-4550; A-10069)

ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 100 General Rules & Regs. Under the Campaign Financing Act (P-5939)
- 26 Ill. Adm. Code 207 Miscellaneous (P-16709/90; A-14427)
- 26 Ill. Adm. Code 125 Practice & Procedure (P-5943)
- 26 Ill. Adm. Code 210 Raffles Conducted by Political Committees (P-3814/90; A-4450)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2725 Administrative Hearings and Appeals (P-13252) (P-14014)
- 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-14343)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15659/90; A-172) (P-3368; A-8553) (P-13257)
- 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-13905/90; A-180) (P-5495; A-11416)
- 56 Ill. Adm. Code 2815 Employees' General Rights & Duties (P-17152/90; A-1817)
- 56 Ill. Adm. Code 2732 Employment (P-6382; A-11423)
- 56 Ill. Adm. Code 2760 Notices, Records, Reports (P-14023)
- 56 Ill. Adm. Code 2830 Payment of Benefits (P-10871)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-13910/90; A-185) (P-3381; A-11122) (P-11034) (P-14032)
- 56 Ill. Adm. Code 2875 Supplemental Federal Benefits (PR-4555; AR-10414)
- 56 Ill. Adm. Code 2730 Wages (P-9817)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 360 General Conditions of State of Ill. Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970 (P-15202)
- 68 Ill. Adm. Code 870 Landfill Operators Certification (P-12094)
- 35 Ill. Adm. Code 859 Procedures for Collection of Review & Evaluation Services Costs (P-8438)
- 35 Ill. Adm. Code 870 Procedures for Issuing Solid Waste Planning & Enforcement Grants (P-15667/90; A-9311)
- 35 Ill. Adm. Code 276 Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions (P-13607)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-1207; A-8555)

FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 250 Fire Equipment Distributor & Employee Standards (P-5322/90; A-5656)
- 41 Ill. Adm. Code 260 Fire Equipment Program Administrative Regulations (P-7872)
- 41 Ill. Adm. Code 270 Hazardous Materials Emergency Response Reimbursement Standards (P-148-5)
- 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-12375/90; A-7042) (P-10875)

GOVERNOR'S PURCHASED CARE REVIEW BOARD

- 89 Ill. Adm. Code 900 Governor's Purchased Care Review Board (P-12989)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2530 Hospital Price Information (P-17428/90; A-1821)

ILLINOIS REGISTER

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

HIGHER EDUCATION, BOARD OF

- 23 Ill. Adm. Code 1015 Ill. Cooperative Work Study Program (P-14852)

HISTORIC PRESERVATION AGENCY, ILLINOIS

- 17 Ill. Adm. Code 4160 Public Use of Historic Sites & Properties (P-1680; A-10596)
- 17 Ill. Adm. Code 4170 Rules for the Protection, Treatment & Inventory of Unmarked Human Burial Sites & Unregistered Graves (P-15209)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 360 Affordable Housing Program (P-9260)
- 47 Ill. Adm. Code 350 Low-Income Housing Tax Credit Allocation (P-9282)

HUMAN RIGHTS COMMISSION

- 56 Ill. Adm. Code 5300 Procedural Rules (P-10521)

INDUSTRIAL COMMISSION, ILLINOIS

- 50 Ill. Adm. Code 7030 Arbitration (P-18434/90; A-8214)
- 50 Ill. Adm. Code 7100 Insurance Regs. (P-6863)
- 50 Ill. Adm. Code 7020 Pre-Arbitration (P-18441/90; A-8221)
- 2 Ill. Adm. Code 2025 Public Information, Rulemaking & Organization (A-7897)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 1407 Accelerated Life Benefit/Terminal Illness/Qualified Conditions (P-17737/90; A-8872)
- 50 Ill. Adm. Code 909 Advertising & Sales Promotion of Life Insurance & Annuities (P-8766)
- 50 Ill. Adm. Code 6602 Cost Containment Form & Data Reporting Requirements (P-7391; A-15438)
- 50 Ill. Adm. Code 2009 Group Coordination of Benefits (P-5953; A-15061)
- 50 Ill. Adm. Code 6101 Health Maintenance Organization (P-20205/89; O-21177/90; M-365; A-199)
- 50 Ill. Adm. Code 930 Life Insurance Solicitation (P-10884)
- 50 Ill. Adm. Code 2007 Minimum Standards of Individual Accident & Health Insurance (P-17737/90; A-7658)
- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-4566; W-6788) (P-14859)

- 50 Ill. Adm. Code 918 Policyholder Security Deposit Act (PR-2899; AR-11639)

- 50 Ill. Adm. Code 3119 Prelicensing & Continuing Education (P-12127/90; A-69) (P-11055)
- 50 Ill. Adm. Code 3113 Premium Fund Trust Account (P-15244)

- 50 Ill. Adm. Code 754 Rules & Rate Filings (P-15238/90; A-4458)

- 50 Ill. Adm. Code 2014 Small Employer Group Health Insurance (P-5975; A-13360)
- 50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-4878)

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 205 Toxic Substances Disclosure to Employees (P-4872)

LIEUTENANT GOVERNOR

- 47 Ill. Adm. Code 600 Ill. Clean & Beautiful Program (P-11911)

LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD, ILLINOIS

- 20 Ill. Adm. Code 1720 Ill. Police Training Act (P-16198/90; A-999) (P-15251)

LOCAL RECORDS COMMISSION

- 44 Ill. Adm. Code 4000 Local Records Commission (P-6882; A-11932)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 101 Administration (P-3386; A-9316) (P-14363) (E-14663)
- 59 Ill. Adm. Code 108 Education & Training (P-16718/90; A-6122)
- 59 Ill. Adm. Code 117 Family Assistance & Home-Based Support Programs for Persons with Mental Disabilities (P-14671/90; A-1511)
- 59 Ill. Adm. Code 130 Mental Health Clinic Program Standards & Provider Requirements (P-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)

ILLINOIS REGISTER

VOL. 15, ISSUE #43

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF (CONT'D)

- 59 Ill. Adm. Code 110 Recipient's Property (P-8774; A-14435)
 59 Ill. Adm. Code 106 Services Charges (P-14674/90; A-15555)
 59 Ill. Adm. Code 115 Standards & Licensure Requirements for Community-Integrated Living Arrangements (P-20138/90; A-8560)

MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 1761 Areas Designated by Act of Congress (P-1212)
 62 Ill. Adm. Code 1702 Exemption for Coal Extraction Incidental to the Extraction of Other Minerals (P-1221)
 62 Ill. Adm. Code 1700 General (P-1235)
 62 Ill. Adm. Code 1701 General Definitions (P-1242)
 62 Ill. Adm. Code 240 Oil & Gas Act (P-16205/90; A-2706) (P-20140/90; W-5110) (P-8448; RC-13203; A-15493) (A-8566) (CC-11641) (P-14365) (E-14679)
 62 Ill. Adm. Code 1816 Permanent Program Performance Standards--Surface Mining Activities (P-1266)
 62 Ill. Adm. Code 1817 Permanent Program Performance Standards--Underground Mining Activities (P-1314)
 62 Ill. Adm. Code 1778 Permit Applications--Minimum Requirements for Legal, Financial, Compliance & Related Information (P-1342)
 62 Ill. Adm. Code 1772 Requirements for Coal Exploration (P-1347)
 62 Ill. Adm. Code 1773 Requirements for Permits & Permit Processing (P-1352) (P-3393)
 62 Ill. Adm. Code 1774 Revision; Renewal; & Transfer, Assignment or Sale of Permit Rights (P-1363)
 62 Ill. Adm. Code 1823 Special Program Performance Standards on Prime Farmland (P-1368)
 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-14277/90; A-1006)
 62 Ill. Adm. Code 1780 Surface Mining Permit Application--Minimum Requirements for Reclamation & Operation Plan (P-1374)
 62 Ill. Adm. Code 1784 Underground Mining Permit Applications--Minimum Requirements for Reclamation & Operation Plan (P-1382)

MOTOR VEHICLE THEFT PREVENTION COUNCIL, ILLINOIS

- 20 Ill. Adm. Code 1800 Trust Fund Collection Rules (E-8706)

NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-1390; A-7054)
 32 Ill. Adm. Code 331 Fees for Radioactive Material Licenses (P-15672/90; A-90)
 32 Ill. Adm. Code 310 General Provisions (P-11450/90; A-10604)
 32 Ill. Adm. Code 330 Licensing of Radioactive Material (P-11471/90; A-10632)
 32 Ill. Adm. Code 606 Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation (P-20573/90; A-8958)
 32 Ill. Adm. Code 335 Use of Radionuclides in the Healing Arts (P-11585/90; A-10763)
 32 Ill. Adm. Code 370 Use of Sealed Radioactive Sources in the Healing Arts (P-11653/90; RC-8316; PR-10846)
 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-6940/90; A-6180)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-4573) (P-12697/90; A-5223) (P-8463/90; A-7901) (P-6385; A-15564) (P-13627)
 35 Ill. Adm. Code 304 Effluent Standards (P-9700/90; A-241)
 35 Ill. Adm. Code 615 Existing Activities in A Seaback Zone or Regulated Recharge Area (P-10303)
 35 Ill. Adm. Code 501 General Provisions (P-3141; A-10075)
 35 Ill. Adm. Code 101 General Rules (P-9822)
 35 Ill. Adm. Code 620 Groundwater Quality (P-17822/90) (P-4234; W-13569)
 35 Ill. Adm. Code 231 Hazardous Air Pollutants (PR-730)
 35 Ill. Adm. Code 738 Hazardous Waste Injection Restrictions (P-18681/90; A-11425)
 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-13925/90; A-7934) (P-2066; A-9323) (P-5980; A-14446)
 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-13938/90; A-7950) (P-2075; A-9332) (P-6001; A-14473) (P-9288)

CI - 7

ILLINOIS REGISTER

VOL. 15, ISSUE #43

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

POLLUTION CONTROL BOARD (CONT'D)

- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-2145; A-9398) (P-6043; A-14534)
 35 Ill. Adm. Code 601 Introduction (P-9829)
 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-2209; A-9462) (A-11937; W-14716)
 35 Ill. Adm. Code 848 Management of Used & Waste Tires (P-7763/90; A-7959) (P-13004)
 35 Ill. Adm. Code 849 Management of Scrap Tires (PR-13265)
 35 Ill. Adm. Code 240 Mobile Sources (P-12109)
 35 Ill. Adm. Code 616 New Activities in a Seaback Zone or Regulated Recharge Area (P-9836)
 35 Ill. Adm. Code 230 New Source Performance Standards (PR-741)
 35 Ill. Adm. Code 215 Organic Material Emission Standards & Limitations (P-12701/90; A-3309) (P-8877/90; A-8018) (P-768) (P-3659; A-12217) (P-6414; A-15595) (P-11059)
 35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-3675; A-12231)
 35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-3892; A-12491)
 35 Ill. Adm. Code 201 Permits & General Provisions (P-780)
 35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-17154/90; A-1562)
 35 Ill. Adm. Code 703 RCRA Permit Programs (P-2376; A-9616) (P-6059; A-14454)
 35 Ill. Adm. Code 617 Regulated Recharge Areas (P-9882)
 35 Ill. Adm. Code 809 Special Waste Handling (PR-13017)
 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-2404; A-9644) (P-6066; A-14562)
 35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-3155) (P-4604)
 35 Ill. Adm. Code 816 Standards for New Electric Utility Fossil Fuel Combustion Waste Landfills (P-4616)
 35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-3166) (P-4660)
 35 Ill. Adm. Code 817 Standards for New Steel & Foundry Industry Waste Landfills (P-3173)
 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-2414; A-9654) (P-6073; A-14572)
 35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste & Specific Types of Facilities (P-2414; A-9654) (P-6073; A-14572)
 35 Ill. Adm. Code 214 Hazardous Waste Management Facilities (P-2487; A-9727)
 35 Ill. Adm. Code 214 Sulfur Limitations (P-11098/90; A-1017)
 35 Ill. Adm. Code 232 Toxic Air Contaminants (P-14969)
 35 Ill. Adm. Code 731 Underground Storage Tanks (P-20162/90; A-6527) (P-6424; A-13600)
 35 Ill. Adm. Code 212 Visible & Particulate Matter Emissions (P-791) (P-4668) (P-13660)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1200 Certified Shortland Reporters Act (P-14369)
 68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-1691; A-8238)
 68 Ill. Adm. Code 1150 III. Architecture Act (P-2492)
 68 Ill. Adm. Code 1275 III. Landscape Architecture Act of 1989, The (P-3218; E-3324; A-10091)
 68 Ill. Adm. Code 1300 III. Nursing Act of 1987, The (P-2519; A-8573) (E-2855)
 68 Ill. Adm. Code 1340 III. Physical Therapy Act (P-17432/90; A-5254) (P-11369) (E-11503; RC-14322)
 68 Ill. Adm. Code 1270 III. Professional Land Surveyors Act of 1989 (P-7378/90; A-5258)
 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-6888; A-13365) (E-7785) (P-11389)
 68 Ill. Adm. Code 1240 Private Detective, Private Alarm & Private Security Act of 1983 (P-2456/90; A-3051)
 68 Ill. Adm. Code 1380 Professional Engineering Practice Act of 1989, The (P-7346/90; A-247) (P-8631)
 68 Ill. Adm. Code 1450 Real Estate License Act of 1983 (P-19515/90; A-10416; C-10848) (P-14375)
 68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-14291/90; A-7081)
 68 Ill. Adm. Code 1500 Veterinary Medicine & Surgery Practice Act (P-8635)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 130 Administration of Social Service Programs (P-8114)
 89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-157; A-5275) (E-338) (P-371; A-5684) (P-2521; A-11447) (E-2862) (P-19568/90; A-5275) (P-5502; A-11127) (P-8785; A-14227) (P-10564)

CI - 8

PUBLIC AID, DEPARTMENT OF (CONT'D)

- 89 Ill. Adm. Code 113
Aid to the Aged, Blind or Disabled (P-15701/90; A-277) (P-384; A-5698) (P-804; A-7104) (E-1111; O-5125) (P-1715; A-7104) (P-19851/90; A-5291) (P-5517; A-11142) (P-6913; A-11948) (P-7444; A-14073) (P-10889) (P-14904) (E-15119)
- 89 Ill. Adm. Code 111
Assistance Standards (P-17762/90; A-1029)
- 89 Ill. Adm. Code 160
Child Support Enforcement (P-806) (P-17436/90; A-1034)
- 89 Ill. Adm. Code 116
Crisis Assistance (P-10897)
- 89 Ill. Adm. Code 144
Developmental Disabilities Service (P-816; A-14084) (P-7455)
- 89 Ill. Adm. Code 141
Drug Manual (P-831; A-7117) (E-1121) (PR-12132) (ER-12795)
- 89 Ill. Adm. Code 121
Food Stamps (P-5525; A-11150) (P-6922; A-11957) (PP-14134) (P-14186) (P-14999)
- 89 Ill. Adm. Code 114
General Assistance (P-15712/90; A-288) (P-394; A-5710) (P-5539; A-11164) (P-15008) (E-15114)
- 89 Ill. Adm. Code 148
Hospital Services (E-10502) (P-10909) (E-12005)
- 89 Ill. Adm. Code 149
III. Competitive Access & Reimbursement Equity (ICARE) Program (P-15722/90; A-1826)
- 89 Ill. Adm. Code 120
Medical Assistance Programs (P-159; A-5302) (P-833) (P-2908; A-10101) (P-5551; A-12747) (P-6089; A-14240) (P-6937; A-11973) (P-7468; A-14105) (P-8542; A-14240) (P-12137)
- 89 Ill. Adm. Code 140
Medical Payment (P-14317/90; O-21120; M-368; A-298) (P-13963/90; O-17718/90; R-366; A-298) (E-592) (P-847) (P-14681/90; A-1051) (P-18813/90; C-1174) (P-1414; A-8972) (P-4903) (P-7834/90; O-5115; R-6789; A-6534) (P-5585; A-11176) (P-20170/90; A-6220) (P-6949) (P-7482) (P-19132/90; P-406; P-847; A-8264) (P-8656) (P-9885) (P-19592/90; A-10114) (P-18982/90; A-10468) (E-11515) (P-11555) (P-12171) (E-12919) (P-13274) (P-13685)
- 89 Ill. Adm. Code 104
Practice in Administrative Hearings (P-15) (P-18705/90; A-5320)
- 89 Ill. Adm. Code 147
Reimbursement for Nursing Costs for Geriatric Facilities (P-870; A-13390) (P-13967/89; A-2715) (P-9355/90; O-13039/90; R-3129; A-3058) (P-2919; A-9001) (P-5434/90; O-5118; RC-5120) (P-15243/90; A-6238) (P-19653/90; A-7162) (P-7501)
- 89 Ill. Adm. Code 117
Related Program Provisions (P-6435; A-13533)
- 89 Ill. Adm. Code 102
Rights & Responsibilities (P-409; A-7202)
- 89 Ill. Adm. Code 104
Rules of Practice in Administrative Hearings (P-15; A-6557)
- 89 Ill. Adm. Code 118
Special Eligibility Groups (P-8681; E-8708; O-11533)

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 697
AIDS Confidentiality Code (P-16779/90; A-11646)
- 77 Ill. Adm. Code 692
AIDS Drug Reimbursement Program (P-14389) (E-14699)
- 77 Ill. Adm. Code 205
Ambulatory Surgical Treatment Center Licensing Requirements (P-4932; RC-13204)
- 77 Ill. Adm. Code 595
Baccalaureate Assistance for Registered Nurses (P-3398)
- 77 Ill. Adm. Code 665
Child Health Examination Code (P-17867/90; A-7706)
- 77 Ill. Adm. Code 694
College Immunization Code (P-6972)
- 77 Ill. Adm. Code 690
Control of Communicable Diseases Code (P-16810/90; A-11679)
- 77 Ill. Adm. Code 693
Control of Sexually Transmissible Diseases Code (P-16817/90; A-11686)
- 77 Ill. Adm. Code 535
Emergency Medical Services Code (P-61237/90; A-5722) (P-8120)
- 77 Ill. Adm. Code 590
Family Practice Residency Code (PR-8493/90; AR-1830) (P-8503/90; A-1833)
- 77 Ill. Adm. Code 550
Head & Spinal Cord Injury (P-10656/90; A-1068)
- 77 Ill. Adm. Code 1130
Health Facilities Planning Procedural Rules (E-4787; O-8319) (P-6100; W-13201) (P-428; A-9731)
- 77 Ill. Adm. Code 250
Hospital Licensing Requirements (P-4946; A-18311) (P-16259/90; A-5328)
- 77 Ill. Adm. Code 710
III. Alzheimer's Disease & Related Disorders Assistance Code (P-15246/90; W-675)
- 77 Ill. Adm. Code 450
III. Clinical Laboratories Code (P-6440)
- 77 Ill. Adm. Code 245
III. Home Health Agency Code (P-14699/90; A-5376)
- 77 Ill. Adm. Code 790
III. Formulary for the Drug Product Selection Program, The (P-3417; A-11791) (E-3537) (18457/90; A-6566) (P-11070) (E-11194)
- 77 Ill. Adm. Code 540
III. Trauma Center Code (P-10665/90; A-1084)
- 77 Ill. Adm. Code 500
III. Vital Records Code (P-17452/90) (P-3422; A-11706)
- 77 Ill. Adm. Code 920
III. Water Well Construction Code (P-6460)
- 77 Ill. Adm. Code 925
III. Water Well Pump Installation Code (P-6498)

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

- 77 Ill. Adm. Code 350
Intermediate Care for the Developmentally Disabled Facilities Code (P-9833/90; A-466) (P-4280)
- 77 Ill. Adm. Code 390
Long-Term Care for Under Age 22 Facilities Code (P-9883/90; A-1878) (P-4309)
- 77 Ill. Adm. Code 630
Maternal & Child Health Services Code (P-15726/90; A-13874)
- 77 Ill. Adm. Code 905
Private Sewage Disposal Code (P-16305/90; W-13202)
- 77 Ill. Adm. Code 895
Sanitary Practice for Drinking Water, Sewage Disposal & Restroom Facilities (P-5005)
- 77 Ill. Adm. Code 695
School Child Immunization Code (P-17873/90; A-7712)
- 77 Ill. Adm. Code 330
Sheltered Care Facilities Code (P-9920/90; A-516) (P-4338)
- 77 Ill. Adm. Code 300
Skilled Nursing & Intermediate Care Facilities Code (P-9957/90; A-554) (P-4367) (P-14039)
- 77 Ill. Adm. Code 510
Testing of Breath, Blood & Urine for Alcohol &/or Other Drugs (P-418; A-7718) (E-612)
- 77 Ill. Adm. Code 500
Vital Records Act, The (P-3422; RC-11555) (E-3593)
- PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD, DEPARTMENT OF
- 77 Ill. Adm. Code 1130
Health Facilities Planning Procedural Rules (P-428)
- 77 Ill. Adm. Code 1100
Narrative & Planning Policies (P-15255)
- 77 Ill. Adm. Code 1110
Processing, Classification Policies & Review Criteria (P-15299)
- RACING BOARD, ILLINOIS
- 11 Ill. Adm. Code 204
Appeals & Enforcement Proceedings (P-11394; W-14149)
- 11 Ill. Adm. Code 1312
Entries & Declarations (P-14750/90; A-2727)
- 11 Ill. Adm. Code 1413
Entries, Subscriptions & Declarations (P-12385/90; A-2730)
- 11 Ill. Adm. Code 502
Licensing (P-5609; A-11985)
- 11 Ill. Adm. Code 1408
Licensing of Participants (P-16843/90; A-5745) (P-5322)
- 11 Ill. Adm. Code 509
Medication (P-5614; A-11989)
- 11 Ill. Adm. Code 419
Over/Under Rules (P-6976; A-11992)
- 11 Ill. Adm. Code 405
Pari-Mutuels (P-8957/90; A-591) (P-12389/90; A-2733) (P-8518; A-13933)
- 11 Ill. Adm. Code 416
Pick Four & Pick Five Rules (P-6979; A-11994)
- 11 Ill. Adm. Code 438
Pick N Wagering Pool (P-5012; A-11996) (P-6982; A-11996)
- 11 Ill. Adm. Code 417
Pick Six Rules (P-6988; A-12001)
- 11 Ill. Adm. Code 418
PPT Rules (P-6985; A-12003)
- 11 Ill. Adm. Code 404
Race Track Improvement Fund & Related Rules (P-10348)
- 11 Ill. Adm. Code 1318
Racing Rules (P-15388) (E-15610)
- 11 Ill. Adm. Code 1424
Regs. for Meetings (P-19690/90; W-1173) (P-10691/90; A-20545/90; C-2044)
- 11 Ill. Adm. Code 1325
Security & Admissions (P-19694/90; A-5748)
- 11 Ill. Adm. Code 436
Security Areas (E-12944)
- 11 Ill. Adm. Code 421
Supertickets Rules (P-19699/90; A-5752) (P-8150)
- 11 Ill. Adm. Code 720
Thoroughbred Off Track Stabling Rules (P-19703/90; A-5755)
- 11 Ill. Adm. Code 433
Totalizer Operations (P-12393/90; A-2736)
- 11 Ill. Adm. Code 440
Twin Trifecta Exchange (P-8975/90; A-3492) (P-8152; A-13936)
- 11 Ill. Adm. Code 1303
Violations (P-13704)
- REHABILITATION SERVICES, DEPARTMENT OF
- 89 Ill. Adm. Code 755
Admission, Suspension, Expulsion & Discharge Procedures (P-8522)
- 89 Ill. Adm. Code 515
Advisory Councils (P-9370/90; O-17698/90; M-4464; A-7211)
- 89 Ill. Adm. Code 885
Centers for Independent Living (P-6666/90; A-7221)
- 89 Ill. Adm. Code 562
Client Financial Participation (P-161; A-10179) (P-11399)
- 89 Ill. Adm. Code 680
Client Responsibilities (P-8156)
- 89 Ill. Adm. Code 617
Closure (P-9385/90; A-7347) (P-7885)
- 89 Ill. Adm. Code 505
Confidentiality of Information (P-12718/90; A-7728)
- 89 Ill. Adm. Code 840
Consultative Examination Process (P-15390)
- 89 Ill. Adm. Code 843
Disability Case Development Process (P-12212/90; A-8294) (P-11406; W-13983) (P-15405)
- 89 Ill. Adm. Code 552
Eligibility (P-9392/90; A-9737)
- 89 Ill. Adm. Code 765
Establishment & Administration of Special Education, The (P-12224/90; A-6261)
- 89 Ill. Adm. Code 687
Financial Eligibility Criteria (P-8560/90; O-16085/90; M-5921; A-7354) (P-8160)
- 89 Ill. Adm. Code 712
Homemaker Rate Agreements (P-11702/90; A-10185)

ILLINOIS REGISTER

VOL. 15, ISSUE #43

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

REHABILITATION SERVICES, DEPARTMENT OF (CONT'D)

- 89 Ill. Adm. Code 787
Ill. Children's School & Rehabilitation Center's Respite Program (P-13027)
89 Ill. Adm. Code 730
Ill. Visually Handicapped Institute (P-12228/90; A-6265) (P-12234/90; A-6272)
89 Ill. Adm. Code 572
Individualized Written Rehabilitation Program (P-8541)
89 Ill. Adm. Code 860
Listing of Impairments (P-3228; A-11500)
89 Ill. Adm. Code 587
Medical, Psychological, & Related Services (P-11736/90; A-7370)
89 Ill. Adm. Code 830
Non-Academic Programs & Policies (P-4397)
89 Ill. Adm. Code 685
Non-Financial Eligibility Criteria (P-8982/90; O-17710/90; R-6791; A-6602) (P-8163)
(P-14392) (E-14704)
89 Ill. Adm. Code 845
Sequential Evaluation Process for the Determination of Disability (P-12240/90; A-8304)
(P-11572)
89 Ill. Adm. Code 700
Service Plan Development (P-9303)
89 Ill. Adm. Code 695
Service Provision (P-12252/90; A-6279)
89 Ill. Adm. Code 567
Similar Benefits (P-12731/90; A-6617)
89 Ill. Adm. Code 592
Training Services (P-12257/90; A-5757)
89 Ill. Adm. Code 650
Vending Facility Program for the Blind (P-6683/90; A-2740)
89 Ill. Adm. Code 650
Vending Stand Program for the Blind (P-6725/90; AR-2794)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

- 80 Ill. Adm. Code 1540
Administration & Operation of the State Employees' Retirement System of Ill. The
(P-18712/90; A-7379)
80 Ill. Adm. Code 1650
Administration & Operation of the Teachers Retirement System, The (P-10574)
2 Ill. Adm. Code 2375
Public Information, Rulemaking & Organization (A-1571)

REVENUE, DEPARTMENT OF

- 86 Ill. Adm. Code 420
Alcoholic Liquor Act (P-15762/90; A-3498)
86 Ill. Adm. Code 430
Bingo License & Tax Act (P-1724; A-10944)
86 Ill. Adm. Code 435
Charitable Games Act (P-1748; A-10966)
86 Ill. Adm. Code 440
Cigarette Tax Act (P-13429/90; A-117)
86 Ill. Adm. Code 450
Cigarette Use Tax Act (P-13429/90; A-122)
86 Ill. Adm. Code 460
Coin-Operated Amusement Device Tax (P-15417)
86 Ill. Adm. Code 600
County Supplementary Retailers' Occupation Tax (P-18195/90; AR-6284)
86 Ill. Adm. Code 610
County Supplementary Service Occupation Tax (P-18208/90; AR-6286)
86 Ill. Adm. Code 620
County Supplementary Use Tax (P-18217/90; AR-6288)
86 Ill. Adm. Code 630
County Water Commission Retailers' Occupation Tax (P-17879/90; A-5762)
86 Ill. Adm. Code 640
County Water Commission Service Occupation Tax (P-17887/90; A-5770)
86 Ill. Adm. Code 650
County Water Commission Use Tax (P-17894/90; A-5778)
86 Ill. Adm. Code 240
County Use Tax Regs. (P-19725/90; AR-5781)
86 Ill. Adm. Code 220
Home Rule County Retailers' Occupation Tax (P-19706/90; A-5783)
86 Ill. Adm. Code 220
Home Rule County Service Occupation Tax (P-19717/90; A-5796)
86 Ill. Adm. Code 270
Home Rule Municipal Retailers' Occupation Tax (P-15251/90; A-3507)
86 Ill. Adm. Code 280
Home Rule Municipal Service Occupation Tax (P-17908/90; A-6290)
86 Ill. Adm. Code 480
Hotel Operators' Occupation Tax Act (P-15422)
86 Ill. Adm. Code 370
Metro East Mass Transit District Retailers' Occupation Tax (P-19730/90; A-5305)
86 Ill. Adm. Code 380
Metro East Mass Transit District Service Occupation Tax (P-19740/90; A-6299)
86 Ill. Adm. Code 390
Metro Fuel Tax (P-17897/90; RC-5122; A-6305) (P-5017; A-13538)
86 Ill. Adm. Code 290
Municipal Use Tax Regs. (P-19751/90; AR-5820)
86 Ill. Adm. Code 200
Practice & Procedure for Hearings Before the Ill. Dept. of Revenue (P-14754/90; A-3518)
86 Ill. Adm. Code 110
Property Tax/Revenue Act of 1939 (P-14321/90; A-3522) (P-14196) (E-14297)
86 Ill. Adm. Code 432
Pull Tabs & Jar Games Act (P-1777; A-10993)
86 Ill. Adm. Code 320
Regional Transportation Authority Retailers' Occupation Tax (P-19756/90; A-6316)
86 Ill. Adm. Code 330
Regional Transportation Authority Service Occupation Tax (P-19767/90; A-5322)
86 Ill. Adm. Code 340
Regional Transportation Authority Use Tax (P-19774/90; A-5829)
86 Ill. Adm. Code 130
Retailers' Occupation Tax (P-5021; A-13542) (P-20194/90; A-6621; O-6792) (P-8167)
(P-15013)
86 Ill. Adm. Code 3000
Riverboat Gambling (P-433; W-11342) (P-11075) (E-11252)

CI - 11

ILLINOIS REGISTER

VOL. 15, ISSUE #43

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

REVENUE, DEPARTMENT OF (CONT'D)

- 86 Ill. Adm. Code 140
Service Occupation Tax (P-17916/90; A-5834) (P-19779/90; A-5834)
86 Ill. Adm. Code 160
Service Use Tax (P-19788/90; A-5845)
86 Ill. Adm. Code 150
Use Tax (P-19804/90; A-5861)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OF

- 38 Ill. Adm. Code 400
Ill. Savings & Loan Act of 1985 (P-14394)
38 Ill. Adm. Code 450
Residential Mortgage License Act of 1987 (P-2573; A-8580)

SAVINGS AND LOAN BOARD

- 38 Ill. Adm. Code 500
Appeals to the Savings & Loan Advisory Board (PR-5162)
38 Ill. Adm. Code 500
Savings & Loan Board (P-5179)

SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF

- 38 Ill. Adm. Code 1075
Savings Bank Act (P-14758/90; A-1916) (P-14406)

SECRETARY OF STATE

- 92 Ill. Adm. Code 1040
Cancellation, Revocation or Suspension of Licenses or Permits (P-7891; A-14258)
92 Ill. Adm. Code 1010
Certificates of Title, Registration of Vehicles (P-4686; A-12782)
92 Ill. Adm. Code 1070
Ill. Safety Responsibility Law (P-8797; A-15083) (P-15428)
92 Ill. Adm. Code 1030
Issuance of Licenses (P-10589) (P-14198)
23 Ill. Adm. Code 3040
Literacy Grant Program (P-14050)
14 Ill. Adm. Code 550
Local Tourism & Convention Bureau Program (P-8782/90; A-1798) (P-10249) (E-10498; C-11014)

Mandatory Vehicle Liability Insurance (P-7518; 15605)

- 14 Ill. Adm. Code 130
Regs. Under Ill. Securities Law of 1953 (P-14209) (E-14303; C-15182)
1 Ill. Adm. Code 100
Rulemaking (P-7522; A-13939)

STATE POLICE, DEPARTMENT OF

- 20 Ill. Adm. Code 1225
Drug Asset Forfeiture Procedure Act (P-16847/90; A-5886)
20 Ill. Adm. Code 1215
Ill. Uniform Conviction Information Act (P-12398/90; A-1107)

STATE POLICE MERIT BOARD, DEPARTMENT OF

- 80 Ill. Adm. Code 150
Procedures of the Dept. of State Police Merit Board (P-5200; A-11007)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

- 23 Ill. Adm. Code 2720
Guaranteed Loan Programs (P-15026)
23 Ill. Adm. Code 2733
Ill. Veteran Grant Program (E-15613)
23 Ill. Adm. Code 2790
Limitation, Suspension, or Termination Proceedings (P-5034; A-14264)
23 Ill. Adm. Code 2763
Minority Teachers of Ill. Scholarship Aid Program (E-15621)

TRANSPORTATION, DEPARTMENT OF

- 92 Ill. Adm. Code 530
Accommodation of Utilities on Right-of-Way (P-2940) (PR-3003)
92 Ill. Adm. Code 18
Aurora Municipal Airport Hazard Zoning (PR-3231; A-9045) (P-3252; A-9022)
92 Ill. Adm. Code 177
Carriage by Public Highway (P-1442; A-7743)
92 Ill. Adm. Code 27
Casey Municipal Airport Hazard Zoning (P-15262/90; A-2796)
92 Ill. Adm. Code 180
Continuing Qualification & Maintenance of Packaging (P-1447; A-7748)
92 Ill. Adm. Code 397
Driving & Parking (P-6991; A-13158)
92 Ill. Adm. Code 392
Driving of Motor Vehicles (P-6994; A-13155)
92 Ill. Adm. Code 37
Dupage Airport Hazard Zoning (P-3275; A-9047)
92 Ill. Adm. Code 708
Floodway Construction in Northeastern Ill. (P-8193)
92 Ill. Adm. Code 171
General Information, Regs., & Definitions (P-1452; A-7752)
92 Ill. Adm. Code 172
Hazardous Materials Table & Hazardous Materials Communications (P-1461; A-7760)
92 Ill. Adm. Code 395
Hours of Service of Drivers (P-6997; A-13161)
92 Ill. Adm. Code 396
Inspection, Repair & Maintenance (P-7003; 13167)
92 Ill. Adm. Code 57
Lewis University Airport Hazard Zoning (P-15283/90; A-2817)
92 Ill. Adm. Code 440
Minimum Safety Standards for Construction of Type I School Buses (P-13041)

CI - 12

TRANSPORTATION, DEPARTMENT OF (CONT'D)

- 92 Ill. Adm. Code 442 Minimum Safety Standards for Construction of Type II School Buses (P-13072)
- 92 Ill. Adm. Code 390 Motor Carrier Safety Regs.: General (P-7008; A-13171)
- 92 Ill. Adm. Code 456 Nonscheduled Bus Inspections (P-17535/90; A-5894)
- 92 Ill. Adm. Code 393 Parts & Accessories Necessary for Safe Operations (P-7022; A-13185)
- 92 Ill. Adm. Code 391 Qualification of Drivers (P-7026; A-13189)
- 92 Ill. Adm. Code 720 Rules Establishing Horizontal & Vertical Clearances For Bridges Over the Fox River Between Algonquin & the Ill.-Wisconsin State Line (P-3426; A-9068)
- 92 Ill. Adm. Code 173 Shippers General Requirements for Shipments & Packagings (P-1466; A-7765)
- 92 Ill. Adm. Code 178 Shipping Container Specifications (P-1472; A-7771)
- 92 Ill. Adm. Code 179 Specification for Tank Cars (P-1483; A-7781)

TREASURER

- 74 Ill. Adm. Code 750 Home Ownership Made Easy Act (P-1791; RC-8317; A-14121) (P-15035)

PUBLIC HEARINGS

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 335 Relative Home Placement

COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1202 Applications
- 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 140 Medical Payment
- 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 535 Emergency Medical Services Code

PUBLIC INFORMATION

AFFORDABLE HOUSING PROGRAM, ILLINOIS

- Annual Plan of the Advisory Commission

ATTORNEY GENERAL, ILLINOIS

- Proposed Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, & Liability Act & the Ill. Environmental Protection Act; Beloit Site
- Proposed Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, & Liability Act & the Ill. Environmental Protection Act; IPC Site

BANKS AND TRUSTS COMPANIES, COMMISSIONER OF

- Notice of Acceptance of an Application by Johnson International, Inc., Racine, Wisconsin, to Acquire Lake County Bank & Trust Company, Lake Forest, Ill.
- Notice of Special Meeting of the Ill. Electronic Fund Transfer Advisory Committee in Chicago, Ill.
- Notice of Acceptance of an Application by the Bank of Tokyo, Ltd., Tokyo, Japan, to Acquire the Chicago-Tokyo Bank, Chicago, Ill.
- Notice of Acceptance of an Application by NBD Bancorp. Inc., Detroit, Michigan, to Acquire FNV Bancorp. Inc., Mt. Prospect, Ill.
- Notice of Acceptance of an Application by First of America Bank Corporation, Kalamazoo, Michigan, to Acquire Morgan Community Bancorp., Jacksonville, Illinois

PUBLIC INFORMATION (CONT'D)

BANKS AND TRUSTS COMPANIES, COMMISSIONER OF (CONT'D)

- Notice of Acceptance of Application by Banc One Corporation, Columbus, Ohio, to Acquire Marine Corporation, Springfield, Illinois 12952
- Notice of Acceptance of an Application by Heartland Financial USA, Inc., Dubuque, Iowa, to Acquire Galena Bancorp., Inc., Galena, Ill. 14323
- Notice of Acceptance of an Application by Banc One Corporation, Columbus, Ohio, to Acquire First Ill. Corporation, Evanston, Ill. 15632

ENVIRONMENTAL PROTECTION AGENCY

- Listing of Derived Water Quality Criteria 3334
- Listing of Derived Water Quality Criteria 8321
- Listing of Derived Water Quality Criteria 13205

LABOR, DEPARTMENT OF

- List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Projects 8322
- List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Projects Pursuant to the Provisions of Paragraph 11a of the Ill. Prevailing Wage Act (Ill. Rev. Stat., 1989, ch. 48, par. 39e-1--12), the Following Contractor's Name was Published in Error as Being Debarred From Being Awarded Public Works Construction Contracts: Mr. Donald A. Durschlag 11349
- List of Contractors Prohibited From an Award of a Contract or a Subcontract for Public Works Projects: Mr. Christos Tshahas 11350
- List of Contractors Prohibited From an Award of a Contract or a Subcontract for Public Works Projects: Mr. Stelio Tshahas 11351
- List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Projects 14717

LOTTERY, DEPARTMENT OF THE

- List of Game-Specific Materials Published by the Lottery During Calendar Year 1990 1178

POLLUTION CONTROL BOARD

- Notice Pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2(b) 10240

REVENUE, DEPARTMENT OF

- Index of Letter Rulings (Third Quarter of 1990) (Income Tax) 1180
- Index of Letter Rulings (Fourth Quarter of 1990) 3335
- Index of Letter Rulings (Fourth Quarter of 1990) (ROT) 4465
- Index of Letter Rulings (First Quarter of 1991) (Income Tax) 8044
- Index of Letter Rulings (First Quarter of 1991) (ROT) 9742
- Index of Letter Rulings (Second Quarter of 1991) (Income Tax) 12010
- Index of Letter Rulings (Second Quarter of 1991) (ROT) 13207

SECRETARY OF STATE

- Department of Insurance 4174
- Policyholders Security Deposit Act; 50 Ill. Adm. Code 918 4175
- Department of Public Aid 4176
- Medical Assistance Programs; 89 Ill. Adm. Code 120
- Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147
- Department of Transportation 4177
- Accommodation of Utilities on Right-of-Way; 92 Ill. Adm. Code 530

REGULATORY AGENDA

EMPLOYMENT SECURITY, DEPARTMENT OF

- Employment; 56 Ill. Adm. Code 2732 5473

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

February 21, 1991
April 17, 1991
June 11, 1991
July 23, 1991
August 20, 1991
September 17, 1991
October 22, 1991

Second Notices Received

135, 369, 676, 1199, 1579, 2045, 2889, 3131, 3358, 3605, 4178, 4488, 4792, 5129, 5479, 5922, 6328, 6796,
7385, 7792, 8071, 8323, 8611, 8727, 9071, 9775, 10242, 10515, 10861, 11016, 11352, 11538, 11854,
12040, 12953, 13235, 13577, 13984, 14150, 14324, 14718, 15189, 15633

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

91-1 Iraq - Illinois Military Personnel Income Tax Extension 2048
91-2 Vacation and Sick Leave Policy 2890
91-3 Revocation of Executive Order No. 5 of 1980 2890
91-4 Waste Reduction and Recycled Product Procurement 3359
91-5 Reassignment of Functions of Governor's Office of Senior Involvement to the Department of Aging 4181
91-6 Reassignment of Functions of Governor's Office of Voluntary Action to the Lieutenant Governor, Senior Action Centers 4183
91-7 Revocation of Executive Order Number 6 of 1979 4794
91-8 Limited Continuation of Office of Consumer Services 5131
91-9 An Executive Order Establishing The Discovery of America Quincentenary Commission 14326
91-10 Executive Order Revising the Governor's Science Advisory Committee 14326
91-11 Executive Order Creating the Illinois Task Force on Advanced Telecommunications and Networking 14328
91-12 An Executive Order Creating a Private Enterprise Review and Advisory Board 14719
91-13 An Executive Order Creating An Annual Report On The State Of The Rural Illinois Economy 15634

PROCLAMATIONS

90-558 Homemakers Extension Association Week 136
90-559 Nurse Recruitment Day 136
90-560 Army ROTC Week 137
90-561 Critical Care Nurse Week 137
90-562 Free Enterprise And Marketing Week 138
90-563 Illinois School Psychologists Association Week 138
90-564 Land Surveyors' Month 138
90-565 Billy D. Turner Congratulated 370
90-566 Travel Agent Appreciation Week 370
91-001 Jaycee Week 1200
91-002 Larry Kinsella Recognized 1200
91-003 Margaret E. Mailliard Day 1201
91-004 Veterinary Medical Education Week 1201
91-005 Charles A. Davis Recognized 1202
91-006 Post Anesthesia Nurse Awareness Week 1580
91-007 African-American History Month 1580
91-008 Cardiac Rehabilitation Week 1580

PROCLAMATIONS (CONT'D)

91-008 Cardiac Rehabilitation Week (Revised) 2891
91-009 Financial Aid Awareness Month 1581
91-010 Richard O. Mitchell Congratulated 1581
91-011 Seeing Eye Dog Day 1582
91-012 Ukrainian Independence Day 2050
91-013 School Social Work Week 2050
91-014 Volvo Tennis/Chicago Week 2051
91-015 Travel Agent Appreciation Week 2051
91-016 Leo Melamed Day 2051
91-017 Operation Desert Storm Support Day 2052
91-018 Four Chaplains Sunday 2891
91-019 State Activity Professionals Day 2892
91-020 American History Month 2892
91-021 Black Nurses Day 2893
91-022 Catholic Schools Week/National Appreciation Day 2893
91-023 Community Associations Day 2894
91-024 FFA Week 2894
91-025 Lithuanian Independence Day 2895
91-026 Smiles for Little City Month 2895
91-027 Smiles for Little City Month (Revised) 3132
91-027 International Week 2896
91-028 Literacy Volunteer Week 2896
91-029 Operation Desert Storm Day 2897
91-030 School Counseling Week 2897
91-031 United States Air Force Military Airline Command Band Day 2898
91-032 Cub Scout Pack 3782 Day 3132
91-033 Licensed Practical Nurse Week 3133
91-034 Sales & Marketing Month 3133
91-035 Urges Flying the American Flag 3133
91-036 Chicago Dental Society Midwinter Meeting Program Days 3134
91-037 Chicago Urban League Day 3134
91-038 Women's History Month 3135
91-039 Future Business Leaders of America-Phi Beta Lambda Week 3135
91-040 Land Surveyors' Month 3136
91-041 Public Education & Corporate America Partnership Day 3136
91-042 School Guidance & Counseling Week 3137
91-043 Doctor's Day 3137
91-044 Supports Operation Desert Storm 3138
91-045 Engineers Week 3138
91-046 Tornado Preparedness Week 3139
91-047 Special Session - Property Tax Extension Limitation Act 3362
91-048 Collinsville Operation Desert Storm Day 3362
91-049 Scandinavian Week 3363
91-050 Casimir Pulaski Day 3606
91-051 Sertoma National Heritage Freedom Week 3606
91-052 American Music Month 3607
91-053 Lutheran Schools Week 3607
91-054 Student Nurse Day 3608
91-055 Nutrition Month 3608
91-056 School Psychology Week 3608
91-057 Foreign Language Week 4186
91-058 Logistics Engineering Week 4186
91-059 U.S. Savings Bond Campaign Month 4186
91-060 Warsaw Ghetto Uprising/Day of Memorial 4187
91-061 Peace Corps of the United States of America/30th Anniversary 4187
91-062 Arnold F. Karr Recognized 4188

PROCLAMATIONS (CONT'D)

91-063	Chronic Fatigue Syndrome Awareness Week	4188
91-064	Peoria Desert Storm Support Day	4189
91-065	St. David's Day	4189
91-066	Employ the Older Worker Week	4190
91-067	Irish-American Heritage Month	4190
91-068	L. Ron Hubbard Day	4191
91-068	L. Ron Hubbard Day (Rescinded)	5481
91-069	Patriots for Freedom Week	4191
91-070	Water Quality Week	4192
91-071	Free Paper Week	4192
91-072	Justice Harry A. Blackmun Day	4192
91-073	50th Illinois Volunteer Infantry/Special Recognition	4490
91-074	Eddie Robinson Day	4490
91-075	Kidney Month	4491
91-076	Youth Art Month	4491
91-077	Reverend Homer C. Resler Day	4491
91-078	American Red Cross Month	4492
91-079	Auctioneer's Week	4493
91-080	Greek Women's University Club Day	4493
91-080	Greek Women's University Club Day (Revised)	5923
91-081	Illinois Governmental Internship Program Recognized	4493
91-082	Jackie Chan Congratulated	4494
91-083	Alpha Kappa Alpha's "Year of the Lifetime Reader" Activities Launching Months	4494
91-084	Dinner of Champions Day	4495
91-085	National Association of Women Business Owners Month	4795
91-086	Agriculture Week	4795
91-087	Drinking Water Week	4796
91-088	Parks & Recreation Month	4796
91-089	Phi Theta Kappa Days	4797
91-090	Seed Month	4797
91-091	Operation Day of Care	4798
91-092	Metropolitan Pier & Exposition Authority Employee Longevity Day	4798
91-093	Chicago State University Week/Dr. Dolores E. Cross Congratulated	5132
91-094	Medical Assistance Week	5132
91-095	Indonesian-American Day	5133
91-096	Medal of Honor Day	5133
91-097	Midwest Women's Center Day	5134
91-098	Women's Aviation History Days	5134
91-099	Business Opportunity Days	5135
91-100	Byelorussian Independence Day	5135
91-101	Call Before You Dig Month	5135
91-102	Mother of the Year Day/Mrs. Lila Sturm Jenkins Recognized	5136
91-103	Statewide Affordable Housing Week	5136
91-104	United States Navy Band Day	5137
91-105	Belarusian Independence Day/Centenary of the Birth of Maksim Bahdanovic	5138
91-106	Leroy Martin Forest Area Day	5138
91-107	Week of the Young Child	5139
91-108	Lech Walesa Fellowship Program Created	5139
91-109	Disaster Area-Innocent County	5140
91-110	Disaster Area - Village of Lemont	5481
91-111	Certified Nurse Assistant Day	5481
91-112	Kimmel Leadership Day	5482
91-113	Nursing Home Week	5482
91-113	Nursing Home Week (Revised)	8072
91-114	American POW Recognition Day	5483
91-115	Building Safety Week	5483

PROCLAMATIONS (CONT'D)

91-116	Colgate Youth For America Month	5484
91-117	Days Of Remembrance Of The Victims Of The Holocaust	5484
91-118	Estonian Day	5484
91-119	Labor-Management Cooperation Week	5485
91-120	Lake And Watershed Management Month	5485
91-121	Lawn Care Month	5486
91-122	Nelvia M. Brady Day	5486
91-123	Operator Appreciation Week	5487
91-124	Say No To Drugs With Captain America Day	5487
91-125	Student-Athlete Day	5488
91-126	Employee Health And Fitness Day	5489
91-127	Alcohol Awareness Month	5489
91-128	Frederick G. Steigmann, M.D., Day	5491
91-128	Frederick G. Steigmann, M.D., Day (Revised)	6798
91-128	Frederick Steigmann, M.D., Day (Second Revised)	13578
91-129	Gamma Phi Circus Week	5490
91-130	Groundwater Protection Month	5491
91-131	Ill. Community College Month	5491
91-132	Manufacturing Week	5492
91-133	Rural Electric And Telephone Youth Day	5492
91-134	Start Talking Week	5493
91-135	Army ROTC Week	5493
91-136	Eugene A. Tracy Day	5924
91-137	Medical Laboratory Week	5924
91-138	Physical Fitness & Sports Month/Physical Education & Sports Week	5925
91-139	Sikh American Heritage Day	5925
91-140	Volunteer Week	5925
91-141	William B. Browder Recognized	5926
91-142	Victim Rights Week	5927
91-143	World Health Day	5927
91-144	Edward Aberg Day	5928
91-145	Independent Order of Foresters Child Abuse Prevention Week	5928
91-146	Professional Secretaries Week/Professional Secretaries Day	5929
91-147	Breastfeeding Promotion Month	5929
91-148	Celebrity Ball Day	5930
91-149	Epsilon Sigma Alpha International Day	5930
91-149	Epsilon Sigma Alpha International Day (Revised)	7793
91-150	Home Improvement Month	5931
91-151	Operation Lifesaver Awareness Day	5931
91-152	Polish Independence Day	5932
91-153	Trail Appreciation Month	5932
91-154	Youth Temperance Education Week	5933
91-155	Croatian Independence Day	5933
91-155	Croatian Independence Day (Revised)	6330
91-156	Salute to Mexico Week	5933
91-157	Arbor and Bird Day	6330
91-158	Better Hearing and Speech Month	6331
91-159	Coin Week	6331
91-160	Multiple Sclerosis Association of America Month	6332
91-161	Public Service Recognition Week	6332
91-162	Arthritis Foundation Telethon Day	6333
91-163	Lithuanian Music Festival Days	6333
91-164	Municipal Clerks Week	6334
91-165	Amigos De Ser Day	6334
91-166	Credit Education Week	6335
91-167	Early Intervention Program of the Children's Home Association of Illinois Recognized	6335

ILLINOIS REGISTER

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

PROCLAMATIONS (CONT'D)

91-168	Student Council Week	6336
91-169	Women of the Five Hospital Homebound Program Day	6336
91-170	Chernobyl Day/Year of Chernobyl Awareness and Relief	6337
91-171	Child Abuse Prevention Month	6337
91-172	Crime Victim Rights Week	6338
91-173	Day of Remembrance of the Victims of the Holocaust	6338
91-174	Early Intervention Month	6339
91-175	Gymnastics Weekend	6339
91-176	Mental Health Month	6340
91-177	Organ and Tissue Donation Awareness Week	6340
91-178	Queen Isabella Day	6341
91-179	Seventh-Day Adventist Schools Week	6341
91-180	Disaster Areas - Several Counties	6798
91-181	Edward T. Huxley, Sr. Day	6799
91-182	Illinois Manufacturing and Enterprise Day	6799
91-183	John G. Shedd Aquarium-Oceanarium Day	6800
91-184	Centennarians Day	6800
91-185	Cinco De Mayo Day	6801
91-186	Gateway Day	6801
91-187	George Vest Day	6802
91-188	Home Education Week	6803
91-188	Home Education Week (Revised)	6803
91-189	Nurses Week	7386
91-189	Recycling Week	6803
91-190	Arson Awareness Week	6804
91-191	John W. Fitzgerald Day	6804
91-192	Six Flags Great America's "Salute to Our Great American Troops Day"	6805
91-193	Paul Harris Memorial and Presidential Walkway Day	6805
91-194	Day of Prayer	7386
91-195	'A' Team Day	7386
91-196	Workers Memorial Day	7387
91-197	Asian American Heritage Month	7388
91-198	Monsignor Edward J. Duncan Day	7388
91-199	Minority & Women Business Enterprise Day	7389
91-200	Reverend Lewis M. Krause Day	7389
91-201	Illinois Small Business Week	7793
91-202	Nurses Week At Department of Veteran's Affairs, Edward Hines, Jr. Hospital	7794
91-203	U.S. Savings Bonds Month	7794
91-204	Community Mental Health Services Week	7795
91-205	Harriet Ross Day	7795
91-206	Harriet Ross Day (Revised)	8072
91-207	High Blood Pressure Month	7796
91-208	Keep America Beautiful Month	7796
91-209	Lioness Caramel Corn Day	7797
91-210	Motorcycle Awareness Month	7797
91-210	Motorcycle Awareness Month (Revised)	8073
91-211	National Association of Insurance Women's Week	7798
91-212	Students Against Driving Drunk Months	7798
91-213	Surgical Technologist Week	7799
91-214	Cyrotechnology Day	7799
91-215	Foster Parent Appreciation Month	7800
91-216	Insurance Agents Month	7800
91-217	Older Americans Month	7801
91-218	Association for Individual Development Day	7801
91-219	Correctional Officer Week	7802
91-220	Emergency Medical Services Week	7802

CI - 19

ILLINOIS REGISTER

1991 CUMULATIVE INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

PROCLAMATIONS (CONT'D)

91-221	Entirean Relief Committee Day	7803
91-222	Exceptional Children's Week	7803
91-223	"Just Say No" Week	7804
91-224	Maritime Day	7804
91-225	National Association of Urban Bankers Week	7805
91-226	Odyssey Day	7805
91-227	Proud Lady Days	7805
91-228	Richard Hirtzel Day	7806
91-229	RP Awareness Day	7806
91-230	Senior Smile Week	7807
91-231	Telephone Operator's Week	7807
91-232	Stamp Collecting Week	7808
91-233	Governor's Cup Weekend	8073
91-234	Illinois Bell Operator Day	8074
91-235	Stay in School Month	8074
91-236	Mattoon Area Senior Center Day	8075
91-237	Police Memorial Day/National Police Week/National Police Memorial Day	8075
91-238	Salvation Army Week	8076
91-239	Take Pride in America Month	8076
91-240	Dr. Abraham A. Low Day	8077
91-241	Historic Preservation Week	8077
91-242	Teacher Appreciation Week/Teacher Appreciation Day	8078
91-243	Greek Heritage Week	8078
91-244	Joe Dimaggio Day	8078
91-245	Manufactured Housing Days	8079
91-246	YMCA Volunteer Recognition Day	8079
91-247	Arts Education Week	8325
91-248	Ducks for Kids Day	8325
91-249	Grammy in the Schools Day	8325
91-250	Railroad Women's Day	8326
91-251	Buckle-Up America Week	8326
91-252	Hospital Day	8327
91-253	Korea Unification Day	8328
91-254	Neurofibromatosis Awareness Month	8328
91-255	Richard H. Newhouse Day	8329
91-256	American GI Forum Day	8329
91-257	Crohn's and Colitis Awareness Week	8330
91-258	Dr. Donald Miedema Congratulated	8330
91-259	Realtor Day	8331
91-260	RSVP Day	8331
91-261	Angel of the Night Month	8332
91-262	JTPA Alumni Week	8332
91-263	Citizens Schools Committee 11th Annual Awards Dinner Day	8333
91-264	Pom Pon Appreciation Day	8333
91-265	Take Pride in Illinois Schools Week	8334
91-266	Talent-Linkage-Chicago Day	8334
91-267	Turkey Lovers Month	8335
91-268	Cache River State Natural Area	8335
91-269	Beth Eden Baptist Church Centennial Celebration Day	8613
91-270	Grundy County Sesquicentennial Celebration Days	8613
91-271	Multiple Sclerosis Society Month	8614
91-272	Mildred B. Angelo Day	8615
91-273	Ortho-Olympics Day	8615
91-274	John W. Cockrell Day	8728
91-275	Management Week	8728
91-276	Week for the Observance of the 50th Anniversary of World War II	

CI - 20

ILLINOIS REGISTER

VOL. 15, ISSUE #43

OCTOBER 25, 1991

1991 CUMULATIVE INDEX

PROCLAMATIONS (CONT'D)

91-277	Pest Control Month	8729
91-278	Illinois Rivers Appreciation Month	8730
91-279	Jane Addams Resource Corporation Week	8730
91-280	Pride Week	8731
91-281	Rehabilitation Facilities Week	8731
91-282	Kenneth Kiesler Day	8732
91-283	Sydney R. Marovitz Day	8732
91-284	Safe Bunting Week	9073
91-285	ECC Music Workshop Days	9073
91-286	Fraternal Week	9073
91-287	Thomas Armistead, Barbara Petrilli, and Firefly, Inc. Commended	9074
91-288	Blood Donor Awareness Month	9074
91-289	East Central Illinois Business Appreciation Week	9075
91-290	Illinois Law Enforcement Explorer Week	9075
91-291	Metrick Week	9076
91-292	Midwest Regional Center for Drug Free Schools Conference Days	9077
91-293	R.J. Grunts	9077
91-294	Special Olympics Adopt-A-Cop Month	9078
91-295	U.S.S. Liberty Memorial Day	9078
91-296	Alfred Eisenstadt Week	9078
91-297	Legal Assistance Day	9079
91-298	Disabled American Veterans Days	9080
91-299	Honoring Elders Week	9080
91-300	Tom and Ellen Cuculich Day	9080
91-301	Coal Awareness Week	9776
91-302	Commends Demit Hlasale/90th Anniversary	9776
91-303	Grand Ole Opry Day	9777
91-304	Ohio River Sweep Day	9777
91-305	"Real Men Cook For Chicago Charities Day"	9778
91-306	Child Support Enforcement Awareness Week	9778
91-307	Hispanic Evangelical Youth Week	9779
91-308	Lowden and Neva Pankey Day	9779
91-309	Rainbow Week	9780
91-310	Thomas S. Johnson Day	9780
91-311	Uri Bar-Ner Day	9780
91-312	USPTA's Across America Tennis Day	9781
91-313	Black Expo Week	9782
91-314	Black Expo Week (Revised)	10862
91-315	World Champion Chicago Bulls Day	9783
91-316	Leo Melamed Day	9783
91-317	Cheer-Leadership Week	10246
91-318	Day Against Drug Abuse & Illicit Trafficking	10246
91-319	Air Force Communications Day	10246
91-320	Illinois Agricultural Youth Institute Week	10247
91-321	Marek Pitrowski Day	10247
91-322	WIC Week	10248
91-323	Overeaters Anonymous Week	10519
91-324	"R&D 100 Awards Day"	10519
91-325	Arabian Horse Week	10519
91-326	Key Club International Convention Week	10520
91-327	Special Election Results - 15th Congressional District	10862
91-328	Archaeology Awareness Week	10863
91-329	National Night Out	10863
91-330	Salute Mozart Month	10864
91-331	St. Thomas Day	10864
	Women's Business Development Day	10864

CI-21

ILLINOIS REGISTER

VOL. 15, ISSUE #43

OCTOBER 25, 1991

1991 CUMULATIVE INDEX

PROCLAMATIONS (CONT'D)

91-332	Adult Day Care Providers Days	10865
91-333	American G.I. Forum/Veterans Outreach Program Day	10865
91-334	Ballroom Dance Days	10866
91-335	Baton Twirling Week	10866
91-336	Firefighters Appreciation Week	10867
91-337	Marklund Children's Home Day	10867
91-338	Michael Jordan Foundation Day	10868
91-339	Mothers of Twins Week	10868
91-340	National Park Service Day	10869
91-341	Physical Therapy Week	10869
91-342	Therapeutic Recreation Week	10870
91-343	Yvonne Daniels Memorial Day	10870
91-344	Captive Nations Week	11018
91-345	Illinois Republican National Hispanic Assembly Day	11018
91-346	Ivan E. & Ruth H. Frick Day	11018
91-347	Leukemia Society Televent Weekend	11019
91-348	Water Quality Awareness Week	11019
91-349	Women's League for Conservative Judaism Days	11020
91-350	Citizens With Disabilities Day	11020
91-351	Dundee Sesquicentennial Depot Day	11021
91-352	Elvis A. Presley Memorial Day/Elvis A. Presley Memorial Week	11021
91-353	Park Livingston Day	11022
91-354	Help Retarded Citizens Days	11022
91-355	Vocational Student Organization Week	11023
91-356	Ways-Lakes Weekend	11024
91-357	American Hackney Horse Society And American Saddlebred Horse Association Centennial Week	11353
91-358	Armed Services Vocational Aptitude Battery (ASVAB) Awareness Year	11353
91-359	Bud Billiken Day	11354
91-360	Flags At Half-Staff Day	11354
91-361	Henry George Day	11355
91-362	John O. Dickinson Day	11355
91-363	Sickle Cell Month	11355
91-364	U.S. Pro Criterium Championship Day	11356
91-365	Columbian Independence Day	11356
91-366	Arts Week	11357
91-367	Dr. Roger E. Compton Day	11357
91-368	Peruvian Day	11358
91-369	International Visitors Month	11359
91-370	Broadcast Journalist Day	11359
91-371	Chicago Latino Film Festival Days	11359
91-372	Chicago Latino Film Festival Days (Revised)	12042
91-373	Fire Prevention Week	11540
91-374	Housekeeping Week	11540
91-375	NFL Football Day	11541
91-376	Peace Day	11541
91-377	Professional Security Month	11542
91-378	Radiologic Technology Week	11542
91-379	School's Open Safety Week	11543
91-380	Uruguay Day	11543
91-381	Illinois Niigata Day	11855
91-382	Joseph Kruszka Day	11855
91-383	Day Care Home Provider Week	11856
91-384	Lewis C. Blackstrom Day	11856
91-385	Philanthropy Week	11856
	Day of the Salvadorms	11857

CI-22

PROCLAMATIONS (CONT'D)

91-386	Joseph Kruszka Week	11857
91-387	Shirley Prince Extended Best Wishes	11858
91-388	Charlie Smith Day	12042
91-389	Polish Soldier Day	12043
91-390	Richer/Brown Spirit of Youth Day	12043
91-391	RE/MAX of Northern Illinois Day	12044
91-392	Armenian Youth Federation-Senior Olympics Days	12044
91-393	Immunization Week	12044
91-394	Iron Overload Disease Awareness Week	12045
91-395	Jewish Big Sisters Day	12046
91-396	National Basketball Players Association/Little City Foundation Day	12046
91-397	National Organization for Women Day	12046
91-398	RSVP Volunteer Recognition Day	12047
91-399	Rosemary Thomas Day	12047
91-399	Rose Marie Thomas Day (Revised)	14722
91-400	U.S. Space Observance Days/Space Exploration Day	12048
91-401	Women's Equality Day	12048
91-402	Book It! Day	12954
91-403	Chamber of Commerce Week	12954
91-404	Chicago Housing Authority Senior Wellness Exposition 91 Day	12955
91-405	Customer Service Week	12955
91-406	Illinois Society of Respiratory Care Week	12956
91-407	International Visitors Month	12956
91-408	Kid Safe Saturday	12957
91-409	Lioness Caramel Corn Day	12957
91-410	Lions Candy Day	12958
91-411	McElroy Family Reunion Weekend	12958
91-412	Osteopathic Medicine Week	12959
91-413	POW/MIA Recognition Day	12959
91-414	Southern Gospel Music Month	12960
91-415	Spinal Health Care Month	12960
91-416	Temporary Help Week	12961
91-417	Union Label Week	12961
91-418	World Population Awareness Week	12962
91-419	Good Samaritan Week	13236
91-420	WLS Talkradio 890 Day	13236
91-421	Hispanic Illinois State Law Enforcement Day	13236
91-422	Miles Davis Day	13237
91-423	Agnes and Norm Trammel Day	13578
91-424	Constitution Week	13579
91-425	Fast for a World Harvest Day	13579
91-426	Head Injury Awareness Month	13580
91-427	Illinois Community Colleges Student Activities Week	13580
91-428	Information Management Days	13581
91-429	Pearl Harbor Remembrance Day	13581
91-430	Respect Life Week	13582
91-431	World Food Day	13582
91-432	Seymour S. Raven Day	13582
91-433	Hispanic Heritage Month	13985
91-434	International Visitors Month	13985
91-435	Safety Town Week	13985
91-436	USS Franklin Memorial Days	13986
91-437	Certified Professional Secretaries Month	13986
91-438	Chatham Avalon Park Community Council Day	13987
91-439	Trini Lopez Day	13987
91-440	U.S. Hispanic Chamber of Commerce Week	13988

PROCLAMATIONS (CONT'D)

91-441	American Energy Awareness Month	13988
91-442	Car Care Month	13989
91-443	Learning Disabilities Month	13989
91-444	Baltic Nations Recognition Month	13990
91-445	Emergency Telephone Day	13990
91-446	Mexican Independence Celebration	13991
91-447	Consumers Week	14152
91-448	Quality Month	14152
91-449	Red Ribbon Week	14153
91-450	Columbus Day	14153
91-451	Italian Heritage Month	14153
91-451	Italian Heritage Month (Revised)	15635
91-452	Stephanie Morzer	14154
91-453	Walter J. Monroe Day	14154
91-454	Disability Employment Awareness Month	14155
91-455	American Business Women's Day	14330
91-456	American Indian Day	14330
91-457	Child Care Worker Week	14331
91-458	Gold Star Mother's Day	14331
91-459	Homemakers Extension Association Week	14332
91-460	Minority Enterprise Development Week	14332
91-461	One Church, One Child Days	14333
91-462	Palmer House Hilton Week	14333
91-463	Teen Challenge/30th Anniversary	14334
91-464	Women In Construction Week	14334
91-465	POW/MIA Recognition Day	14722
91-466	Polish National Alliance Week	14723
91-467	Hispanic State Employment Day	14723
91-468	Agrella Day	14724
91-469	Automotive Parts & Accessories Association Week	14724
91-470	Emergency Nurses Day	14725
91-471	Chemistry Week	14725
91-472	German-American Day	14726
91-473	Salute to Cultural Diversity Day	14726
91-474	Society for Prevention of Blindness Day	14727
91-475	ESOP Employee Ownership Week	14727
91-476	Chiropractic Health Care Month	15190
91-477	Health Care Food Service Employees Week	15190
91-478	Leif Erickson Day	15190
91-479	Medical Records Week	15191
91-480	St. Laurence High School Day	15191
91-481	Disability Independence Day	15192
91-481	Disability Independence Day (Revised)	15635
91-482	National Forest Centennial Month	15192
91-483	Family Health Month	15193
91-484	Futures and Options Week	15193
91-485	Illinois Paralegal Association/Paralegal and Legal Assistant Day	15194
91-486	Mental Illness Awareness Week	15194
91-487	Ravenwood Baptist Church Day	15195
91-488	Sonographer Awareness Week	15195
91-489	Vegetarian Awareness Week	15196
91-490	Child Health Day	15196
91-491	Fischer's Restaurant Day	15636
91-492	Basketball Centennial Season/Basketball Centennial Week	15636
91-493	Credit Union Month/Credit Union Week/Credit Union Day	15637
91-494	Dental Hygiene Week	15637

ILLINOIS REGISTER

OCTOBER 25, 1991

1991 CUMULATIVE INDEX

VOL. 15, ISSUE #43

PROCLAMATIONS (CONT'D)

91-495	Environmental Health Practitioners Week	15638
91-496	Home Accessibility Month	15638
91-497	Lupus Awareness Month	15639
91-498	OFCCP Commended	15640
91-499	Polish American Heritage Month	15640
91-500	Turner's Syndrome Society Days	15641
91-501	Victory Week	15641
91-502	Employee Leasing Week	15642
91-503	Gifted Education Month	15642
91-504	Home Economics Week	15643
91-505	Computer Security Day	15643
91-506	Elmer Gertz Day	15644
91-507	Radon Action Week	15644
91-508	United Nations Day	15644

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry read: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 1		TITLE 2		TITLE 3		TITLE 4		TITLE 5		TITLE 6		TITLE 7		TITLE 8		TITLE 9		TITLE 10		TITLE 11		TITLE 12		TITLE 13		TITLE 14		TITLE 15		TITLE 16		TITLE 17		TITLE 18		TITLE 19		TITLE 20		TITLE 21		TITLE 22		TITLE 23		TITLE 24		TITLE 25		TITLE 26		TITLE 27		TITLE 28		TITLE 29		TITLE 30		TITLE 31		TITLE 32		TITLE 33		TITLE 34		TITLE 35		TITLE 36		TITLE 37		TITLE 38		TITLE 39		TITLE 40		TITLE 41		TITLE 42		TITLE 43		TITLE 44		TITLE 45		TITLE 46		TITLE 47		TITLE 48		TITLE 49		TITLE 50		TITLE 51		TITLE 52		TITLE 53		TITLE 54		TITLE 55		TITLE 56		TITLE 57		TITLE 58		TITLE 59		TITLE 60		TITLE 61		TITLE 62		TITLE 63		TITLE 64		TITLE 65		TITLE 66		TITLE 67		TITLE 68		TITLE 69		TITLE 70		TITLE 71		TITLE 72		TITLE 73		TITLE 74		TITLE 75		TITLE 76		TITLE 77		TITLE 78		TITLE 79		TITLE 80		TITLE 81		TITLE 82		TITLE 83		TITLE 84		TITLE 85		TITLE 86		TITLE 87		TITLE 88		TITLE 89		TITLE 90		TITLE 91		TITLE 92		TITLE 93		TITLE 94		TITLE 95		TITLE 96		TITLE 97		TITLE 98		TITLE 99		TITLE 100		TITLE 101		TITLE 102		TITLE 103		TITLE 104		TITLE 105		TITLE 106		TITLE 107		TITLE 108		TITLE 109		TITLE 110		TITLE 111		TITLE 112		TITLE 113		TITLE 114		TITLE 115		TITLE 116		TITLE 117		TITLE 118		TITLE 119		TITLE 120		TITLE 121		TITLE 122		TITLE 123		TITLE 124		TITLE 125		TITLE 126		TITLE 127		TITLE 128		TITLE 129		TITLE 130		TITLE 131		TITLE 132		TITLE 133		TITLE 134		TITLE 135		TITLE 136		TITLE 137		TITLE 138		TITLE 139		TITLE 140		TITLE 141		TITLE 142		TITLE 143		TITLE 144		TITLE 145		TITLE 146		TITLE 147		TITLE 148		TITLE 149		TITLE 150		TITLE 151		TITLE 152		TITLE 153		TITLE 154		TITLE 155		TITLE 156		TITLE 157		TITLE 158		TITLE 159		TITLE 160		TITLE 161		TITLE 162		TITLE 163		TITLE 164		TITLE 165		TITLE 166		TITLE 167		TITLE 168		TITLE 169		TITLE 170		TITLE 171		TITLE 172		TITLE 173		TITLE 174		TITLE 175		TITLE 176		TITLE 177		TITLE 178		TITLE 179		TITLE 180		TITLE 181		TITLE 182		TITLE 183		TITLE 184		TITLE 185		TITLE 186		TITLE 187		TITLE 188		TITLE 189		TITLE 190		TITLE 191		TITLE 192		TITLE 193		TITLE 194		TITLE 195		TITLE 196		TITLE 197		TITLE 198		TITLE 199		TITLE 200		TITLE 201		TITLE 202		TITLE 203		TITLE 204		TITLE 205		TITLE 206		TITLE 207		TITLE 208		TITLE 209		TITLE 210		TITLE 211		TITLE 212		TITLE 213		TITLE 214		TITLE 215		TITLE 216		TITLE 217		TITLE 218		TITLE 219		TITLE 220		TITLE 221		TITLE 222		TITLE 223		TITLE 224		TITLE 225		TITLE 226		TITLE 227		TITLE 228		TITLE 229		TITLE 230		TITLE 231		TITLE 232		TITLE 233		TITLE 234		TITLE 235		TITLE 236		TITLE 237		TITLE 238		TITLE 239		TITLE 240		TITLE 241		TITLE 242		TITLE 243		TITLE 244		TITLE 245		TITLE 246		TITLE 247		TITLE 248		TITLE 249		TITLE 250		TITLE 251		TITLE 252		TITLE 253		TITLE 254		TITLE 255		TITLE 256		TITLE 257		TITLE 258		TITLE 259		TITLE 260		TITLE 261		TITLE 262		TITLE 263		TITLE 264		TITLE 265		TITLE 266		TITLE 267		TITLE 268		TITLE 269		TITLE 270		TITLE 271		TITLE 272		TITLE 273		TITLE 274		TITLE 275		TITLE 276		TITLE 277		TITLE 278		TITLE 279		TITLE 280		TITLE 281		TITLE 282		TITLE 283		TITLE 284		TITLE 285		TITLE 286		TITLE 287		TITLE 288		TITLE 289		TITLE 290		TITLE 291		TITLE 292		TITLE 293		TITLE 294		TITLE 295		TITLE 296		TITLE 297		TITLE 298		TITLE 299		TITLE	
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SAI-1

[illegible]

SAI-2

TITLE 17 (CONT'D)		TITLE 20	
1590.70	am	(P-11359)	4170.340
1590.80	am	(P-16174/90; A-32)	4170.400
1590.90	am	(P-16174/90; A-32)	4170.410
1590.100	am	(P-11359)	4170.420
1590.110	am	(P-11359)	4170.430
2520.50	am	(P-725; A-7653)	4170.440
2550.10	am	(P-3655; A-9973)	4170.500
2550.15	n	(P-3655; A-9973)	4170.600
3010.40	am	(P-14794)	4170.610
3010.50	am	(P-14794)	4170.620
3010.70	am	(P-14794)	4170.630
3010.80	am	(P-14794)	4170.640
3020.20	am	(P-14820)	4170.650
3020.40	am	(P-14820)	4170.700
3020.50	am	(P-14820)	4170.710
3020.70	am	(P-14820)	4170.720
3020.80	am	(P-14820)	
3030.30	am	(P-14807)	
3030.50	am	(P-14807)	
3030.60	am	(P-14807)	
3035.10	am	(P-18365/90; A-4117)	
3035.30	am	(P-18365/90; A-4117)	
3035.40	am	(P-18365/90; A-4117)	
3035.50	am	(P-14783)	
3035.60	am	(P-18365/90; A-4117)	
3035.70	am	(P-18365/90; A-4117)	
3035.80	am	(P-18365/90; A-4117)	
3040.Ap. B	n	(P-14783)	
3040.Ap. C	n	(P-18380/90; A-4132)	
3040.Ap. D	n	(P-18380/90; A-4132)	
3040.Ap. E	n	(P-18380/90; A-4132)	
3040.Ap. F	n	(P-18380/90; A-4132)	
3040.Ap. G	n	(P-18380/90; A-4132)	
4160.10	n	(P-1680; A-10596)	460.10
4160.20	n	(P-1680; A-10596)	460.12
4160.30	n	(P-1680; A-10596)	460.15
4160.40	n	(P-1680; A-10596)	460.20
4160.50	n	(P-1680; A-10596)	460.30
4160.60	n	(P-1680; A-10596)	460.40
4160.70	n	(P-1680; A-10596)	460.50
4160.80	n	(P-1680; A-10596)	460.60
4160.90	n	(P-1680; A-10596)	460.70
4160.100	n	(P-1680; A-10596)	460.80
4160.110	n	(P-1680; A-10596)	460.90
4160.120	n	(P-1680; A-10596)	502.20
4160.130	n	(P-1680; A-10596)	701.270
4160.140	n	(P-1680; A-10596)	1215.10
4160.150	n	(A-10596)	1215.20
4160.160	n	(P-1680; A-10596)	1215.30
4160.170	n	(P-1680; A-10596)	1215.40
4160.180	n	(P-1680; A-10596)	1215.50
4170.100	n	(P-15209)	1225.20
4170.110	n	(P-15209)	1225.30
4170.200	n	(P-15209)	1225.40
4170.210	n	(P-15209)	1225.50
4170.300	n	(P-15209)	1560.20
4170.310	n	(P-15209)	1560.30
4170.320	n	(P-15209)	1560.40
4170.330	n	(P-15209)	1720.15
4170.340	n	(P-15209)	
4170.400	n	(P-15209)	
4170.410	n	(P-15209)	
4170.420	n	(P-15209)	
4170.430	n	(P-15209)	
4170.440	n	(P-15209)	
4170.500	n	(P-15209)	
4170.600	n	(P-15209)	
4170.610	n	(P-15209)	
4170.620	n	(P-15209)	
4170.630	n	(P-15209)	
4170.640	n	(P-15209)	
4170.650	n	(P-15209)	
4170.700	n	(P-15209)	
4170.710	n	(P-15209)	
4170.720	n	(P-15209)	
TITLE 20			
107.140	n	(P-19507/90; A-5638)	
405.10	am	(P-1; A-5642)	
405.15	am	(P-1; A-5642)	
405.17	am	(P-1; A-5642)	
405.20	am	(P-1; A-5642)	
405.30	am	(P-1; A-5642)	
405.40	r	(P-1; A-5642)	
405.50	am	(P-1; A-5642)	
405.55	am	(P-1; A-5642)	
405.60	am	(P-1; A-5642)	
405.70	am	(P-1; A-5642)	
415.15	am	(P-15228/90; A-988)	
415.20	am	(P-15228/90; A-988)	
415.30	am	(P-15228/90; A-988)	
415.70	n	(P-15228/90; O-21107/90; R-1168; A-988)	
460.10	am	(P-18421/90; A-3479)	
460.12	am	(P-18421/90; A-3479)	
460.15	am	(P-18421/90; A-3479)	
460.20	am	(P-18421/90; A-3479)	
460.30	am	(P-18421/90; A-3479)	
460.40	am	(P-18421/90; A-3479)	
460.50	am	(P-18421/90; A-3479)	
460.60	am	(P-18421/90; A-3479)	
460.70	am	(P-18421/90; A-3479)	
460.80	am	(P-18421/90; A-3479)	
460.90	am	(P-18421/90; A-3479)	
502.20	am	(P-18421/90; A-3479)	
701.270	am	(P-5935; A-11928)	
1215.10	am	(P-7861; A-13789)	
1215.20	n	(P-12398/90; A-1107)	
1215.30	n	(P-12398/90; A-1107)	
1215.40	n	(P-12398/90; A-1107)	
1215.50	n	(P-12398/90; A-1107)	
1225.20	n	(P-16847/90; A-5886)	
1225.30	n	(P-16847/90; A-5886)	
1225.40	n	(P-16847/90; A-5886)	
1225.50	n	(P-16847/90; A-5886)	
1560.20	n	(P-8800/90; A-7034)	
1560.30	n	(P-8800/90; A-7034)	
1560.40	n	(P-8800/90; A-7034)	
1720.15	n	(P-15251)	

SAI-5

[illegible]

SAI-6

TITLE 32 (CONT'D)	
310.Ap.C	n
330.30	an
330.30	an
330.220	an
330.240	an
330.250	an
330.260	an
330.270	an
330.280	an
330.310	an
330.320	an
330.340	an
330.400	an
330.900	an
330.Ap.B	r
330.Ap.C	r
330.Ap.D	an
330.Ap.G	n
330.Ap.H	n
331.20	an
331.30	an
331.30	an
331.110	an
331.120	an
331.130	n
331.200	an
331.210	r
331.310	an
331.Ap.B	an
331.Ap.C	n
335.10	n
335.20	n
335.30	n
335.1010	n
335.1020	n
335.1030	n
335.1040	n
335.1050	n
335.1060	n
335.1070	n
335.1080	n
335.1090	n
335.2010	n
335.2020	n
335.2030	n
335.2040	n
335.2050	n
335.2060	n
335.2070	n
335.2080	n
335.2090	n
335.2100	n
335.2110	n
335.2120	n
335.2130	n
335.3010	n
335.4010	n
335.4020	n
335.4030	n
335.5010	n
335.5020	n

[illegible]

TITLE 32 (CONT'D)					
401.40	am	n			
401.50	am	n			
401.60	am	n			
401.70	am	n			
401.80	am	n			
401.100	am	n			
401.110	am	n			
401.130	am	n			
401.140	am	n			
401.Ap.A	am	n			
401.Ap.B	am	n			
606.20	am	n			
606.30	am	n			
606.60	am	n			
TITLE 35					
101.103	am	n			
201.102	am	n			
201.401	am	n			
211.101	am	n			
211.122	am	n			
212.107	n	n			
212.108	n	n			
212.109	am	n			
212.110	am	n			
212.111	am	n			
212.113	am	n			
212.205	am	n			
212.302	am	n			
212.309	am	n			
212.316	n	n			
212.324	n	n			
212.362	n	n			
212.423	n	n			
212.424	n	n			
212.425	n	n			
212.443	am	n			
212.458	n	n			
212.464	n	n			
212.H.D	n	n			
212.H.E	n	n			
212.H.F	n	n			
214.101	am	n			
214.104	am	n			
215.100	am	n			
215.102	am	n			
215.105	am	n			
215.108	am	n			
215.109	am	n			
215.123	am	n			
215.215	am	n			
215.480	am	n			
215.481	am	n			
215.482	am	n			
215.483	am	n			
215.484	am	n			
215.485	am	n			
215.486	am	n			
215.487	am	n			
215.488	am	n			

215.489	#	(P-8877/90; A-8018)
215.489	#	(P-8877/90; A-8018)
215.490	#	(P-8877/90; A-8018)
215.490	am	(P-8877/90; A-8018)
215.581	am	(P-3659; A-12217)
215.585	am	(P-12701/90; A-3309)
218.100	n	(P-3675; A-12231)
218.101	n	(P-3675; A-12231)
218.102	n	(P-3675; A-12231)
218.103	n	(P-3675; A-12231)
218.104	n	(P-3675; A-12231)
218.105	n	(P-3675; A-12231)
218.106	n	(P-3675; A-12231)
218.107	n	(P-3675; A-12231)
218.108	n	(P-3675; A-12231)
218.109	n	(P-3675; A-12231)
218.110	n	(P-3675; A-12231)
218.111	n	(P-3675; A-12231)
218.112	n	(P-3675; A-12231)
218.121	n	(P-3675; A-12231)
218.122	n	(P-3675; A-12231)
218.123	n	(P-3675; A-12231)
218.124	n	(P-3675; A-12231)
218.125	n	(P-3675; A-12231)
218.126	n	(P-3675; A-12231)
218.141	n	(P-3675; A-12231)
218.142	n	(P-3675; A-12231)
218.143	n	(P-3675; A-12231)
218.144	n	(P-3675; A-12231)
218.181	n	(P-3675; A-12231)
218.182	n	(P-3675; A-12231)
218.183	n	(P-3675; A-12231)
218.184	n	(P-3675; A-12231)
218.185	n	(P-3675; A-12231)
218.186	n	(P-3675; A-12231)
218.204	n	(P-3675; A-12231)
218.205	n	(P-3675; A-12231)
218.206	n	(P-3675; A-12231)
218.207	n	(P-3675; A-12231)
218.208	n	(P-3675; A-12231)
218.209	n	(P-3675; A-12231)
218.210	n	(P-3675; A-12231)
218.211	n	(P-3675; A-12231)
218.301	n	(P-3675; A-12231)
218.302	n	(P-3675; A-12231)
218.303	n	(P-3675; A-12231)
218.304	n	(P-3675; A-12231)
218.401	n	(P-3659; A-12217)
218.402	n	(P-8877/90; A-8018)
218.403	n	(P-3675; A-12231)
218.404	n	(P-3675; A-12231)
218.405	n	(P-6414) (P-8877/90; A-8018)
218.421	n	(P-6414; A-15595)
218.422	n	(P-768)
218.423	n	(P-11059)
218.424	n	(P-8877/90; A-8018)
218.425	n	(P-8877/90; A-8018)
218.426	n	(P-8877/90; A-8018)
218.427	n	(P-8877/90; A-8018)
218.428	n	(P-8877/90; A-8018)
218.429	n	(P-8877/90; A-8018)
218.430	n	(P-8877/90; A-8018)
218.441	n	(P-8877/90; A-8018)

218.442	n
218.443	n
218.444	n
218.445	n
218.446	n
218.447	n
218.448	n
218.449	n
218.450	n
218.451	n
218.452	n
218.453	n
218.461	n
218.462	n
218.463	n
218.464	n
218.465	n
218.466	n
218.480	n
218.481	n
218.482	n
218.483	n
218.484	n
218.485	n
218.486	n
218.487	n
218.488	n
218.489	n
218.521	n
218.525	n
218.526	n
218.527	n
218.541	n
218.561	n
218.562	n
218.563	n
218.581	n
218.582	n
218.583	n
218.584	n
218.585	n
218.601	n
218.602	n
218.603	n
218.604	n
218.605	n
218.606	n
218.607	n
218.608	n
218.609	n
218.610	n
218.611	n
218.612	n
218.613	n
218.620	n
218.621	n
218.623	n
218.624	n
218.625	n
218.626	n
218.628	n
218.630	n

TITLE 35 (CONT'D)	
(P-3675; A-12231)	n
(P-3675; A-12231)	219.185
(P-3675; A-12231)	219.186
(P-3675; A-12231)	219.204
(P-3675; A-12231)	219.205
(P-3675; A-12231)	219.206
(P-3675; A-12231)	219.207
(P-3675; A-12231)	219.208
(P-3675; A-12231)	219.209
(P-3675; A-12231)	219.210
(P-3675; A-12231)	219.211
(P-3675; A-12231)	219.301
(P-3675; A-12231)	219.302
(P-3675; A-12231)	219.303
(P-3675; A-12231)	219.304
(P-3675; A-12231)	219.401
(P-3675; A-12231)	219.402
(P-3675; A-12231)	219.403
(P-3675; A-12231)	219.404
(P-3675; A-12231)	219.405
(P-3675; A-12231)	219.421
(P-3675; A-12231)	219.422
(P-3675; A-12231)	219.423
(P-3675; A-12231)	219.424
(P-3675; A-12231)	219.425
(P-3675; A-12231)	219.426
(P-3675; A-12231)	219.427
(P-3675; A-12231)	219.428
(P-3675; A-12231)	219.429
(P-3675; A-12231)	219.430
(P-3675; A-12231)	219.441
(P-3675; A-12231)	219.442
(P-3675; A-12231)	219.443
(P-3675; A-12231)	219.444
(P-3892; A-12491)	219.445
(P-3892; A-12491)	219.446
(P-3892; A-12491)	219.447
(P-3892; A-12491)	219.448
(P-3892; A-12491)	219.449
(P-3892; A-12491)	219.450
(P-3892; A-12491)	219.451
(P-3892; A-12491)	219.452
(P-3892; A-12491)	219.453
(P-3892; A-12491)	219.461
(P-3892; A-12491)	219.462
(P-3892; A-12491)	219.463
(P-3892; A-12491)	219.464
(P-3892; A-12491)	219.465
(P-3892; A-12491)	219.466
(P-3892; A-12491)	219.480
(P-3892; A-12491)	219.481
(P-3892; A-12491)	219.482
(P-3892; A-12491)	219.483
(P-3892)	219.484
(P-3892)	219.485
(P-3892; A-12491)	219.486
(P-3892; A-12491)	219.487
(P-3892; A-12491)	219.488
(P-3892; A-12491)	219.489
(P-3892; A-12491)	219.521
(P-3892; A-12491)	219.525
(P-3892; A-12491)	219.526
(P-3892; A-12491)	219.527

(P-3892; A-12491)	n	219,541
(P-3892; A-12491)	n	219,561
(P-3892; A-12491)	n	219,562
(P-3892; A-12491)	n	219,563
(P-3892; A-12491)	n	219,568
(P-3892; A-12491)	n	219,582
(P-3892; A-12491)	n	219,583
(P-3892; A-12491)	n	219,584
(P-3892; A-12491)	n	219,585
(P-3892; A-12491)	n	219,601
(P-3892; A-12491)	n	219,602
(P-3892; A-12491)	n	219,603
(P-3892; A-12491)	n	219,604
(P-3892; A-12491)	n	219,605
(P-3892; A-12491)	n	219,606
(P-3892; A-12491)	n	219,607
(P-3892; A-12491)	n	219,608
(P-3892; A-12491)	n	219,609
(P-3892; A-12491)	n	219,610
(P-3892; A-12491)	n	219,611
(P-3892; A-12491)	n	219,612
(P-3892; A-12491)	n	219,613
(P-3892; A-12491)	n	219,620
(P-3892; A-12491)	n	219,621
(P-3892; A-12491)	n	219,623
(P-3892; A-12491)	n	219,624
(P-3892; A-12491)	n	219,625
(P-3892; A-12491)	n	219,626
(P-3892; A-12491)	n	219,628
(P-3892; A-12491)	n	219,630
(P-3892; A-12491)	n	219,636
(P-3892; A-12491)	n	219,637
(P-3892; A-12491)	n	219,875
(P-3892; A-12491)	n	219,877
(P-3892; A-12491)	n	219,879
(P-3892; A-12491)	n	219,881
(P-3892; A-12491)	n	219,883
(P-3892; A-12491)	n	219,886
(P-3892; A-12491)	n	219,920
(P-3892; A-12491)	n	219,923
(P-3892; A-12491)	n	219,926
(P-3892; A-12491)	n	219,927
(P-3892; A-12491)	n	219,928
(P-3892; A-12491)	n	219,940
(P-3892; A-12491)	n	219,943
(P-3892; A-12491)	n	219,946
(P-3892; A-12491)	n	219,947
(P-3892; A-12491)	n	219,948
(P-3892; A-12491)	n	219,960
(P-3892; A-12491)	n	219,963
(P-3892; A-12491)	n	219,966
(P-3892; A-12491)	n	219,967
(P-3892; A-12491)	n	219,968
(P-3892; A-12491)	n	219,980
(P-3892; A-12491)	n	219,983
(P-3892; A-12491)	n	219,986
(P-3892; A-12491)	n	219,987
(P-3892; A-12491)	n	219,988
(P-3892; A-12491)	n	219,990
(P-3892; A-12491)	n	219,991
(P-3892; A-12491)	n	219,Ap. A
(P-3892; A-12491)	n	219,Ap. B
(P-3892; A-12491)	n	219,Ap. C

TITLE 35 (CONT'D)

219.Ap.D	n	(P-3892; A-12491)	230.Ap.C	r	(P-741)	276.304	am	(P-13607)	615.425	n	(P-10303)
230.110	r	(P-741)	230.Ap.F	r	(P-741)	276.307	am	(P-13607)	615.441	n	(P-10303)
230.140	r	(P-741)	231.110	r	(P-730)	276.308	n	(P-13607)	615.442	n	(P-10303)
230.141	r	(P-741)	231.120	r	(P-730)	276.309	#	(P-13607)	615.443	n	(P-10303)
230.142	r	(P-741)	231.130	r	(P-730)	276.310	#	(P-13607)	615.444	n	(P-10303)
230.150	r	(P-741)	231.140	r	(P-730)	276.311	am	(P-13607)	615.446	n	(P-10303)
230.160	r	(P-741)	231.150	r	(P-730)	276.311	#	(P-13607)	615.447	n	(P-10303)
230.170	r	(P-741)	231.160	r	(P-730)	276.401	am	(P-13607)	615.461	n	(P-10303)
230.180	r	(P-741)	231.180	r	(P-730)	276.401	am	(P-13607)	615.462	n	(P-10303)
230.190	r	(P-741)	231.190	r	(P-730)	276.701	am	(P-13607)	615.463	n	(P-10303)
230.200	r	(P-741)	231.200	r	(P-730)	276.702	am	(P-13607)	615.501	n	(P-10303)
230.210	r	(P-741)	231.210	r	(P-730)	276.703	am	(P-13607)	615.502	n	(P-10303)
230.211	r	(P-741)	231.230	r	(P-730)	304.211	n	(P-970090; A-241)	615.601	n	(P-10303)
230.212	r	(P-741)	231.240	r	(P-730)	360.601	am	(P-15202)	615.602	n	(P-10303)
230.220	r	(P-741)	231.250	r	(P-730)	360.602	am	(P-15202)	615.603	n	(P-10303)
230.230	r	(P-741)	231.260	r	(P-730)	501.102	am	(P-3141; A-10075)	615.604	n	(P-10303)
230.240	r	(P-741)	231.320	r	(P-730)	501.200	n	(P-3141; A-10075)	615.621	n	(P-10303)
230.241	r	(P-741)	231.330	r	(P-730)	501.246	n	(P-3141; A-10075)	615.622	n	(P-10303)
230.250	r	(P-741)	231.Tb.A	r	(P-730)	501.248	n	(P-3141; A-10075)	615.623	n	(P-10303)
230.260	r	(P-741)	231.Ap.A	r	(P-730)	501.274	n	(P-3141; A-10075)	615.701	n	(P-10303)
230.270	r	(P-741)	231.Ap.B	r	(P-730)	501.317	n	(P-3141; A-10075)	615.702	n	(P-10303)
230.280	r	(P-741)	231.Ap.C	r	(P-730)	501.330	am	(P-3141; A-10075)	615.703	n	(P-10303)
230.290	r	(P-741)	232.100	n	(P-14969)	501.342	n	(P-3141; A-10075)	615.704	n	(P-10303)
230.300	r	(P-741)	232.110	n	(P-14969)	501.356	n	(P-3141; A-10075)	615.705	n	(P-10303)
230.310	r	(P-741)	232.120	n	(P-14969)	501.372	n	(P-3141; A-10075)	615.721	n	(P-10303)
230.320	r	(P-741)	232.130	n	(P-14969)	501.402	am	(P-3141; A-10075)	615.722	n	(P-10303)
230.330	r	(P-741)	232.200	n	(P-14969)	501.404	am	(P-3141; A-10075)	615.723	n	(P-10303)
230.340	r	(P-741)	232.210	n	(P-14969)	501.405	am	(P-3141; A-10075)	615.724	n	(P-10303)
230.350	r	(P-741)	232.300	n	(P-14969)	601.105	am	(P-9829)	616.101	n	(P-9836)
230.360	r	(P-741)	232.310	n	(P-14969)	611.325	am	(P-1715490; A-1562)	616.102	n	(P-9836)
230.370	r	(P-741)	232.320	n	(P-14969)	611.521	am	(P-1715490; A-1562)	616.104	n	(P-9836)
230.371	r	(P-741)	232.400	n	(P-14969)	615.101	n	(P-10303)	616.105	n	(P-9836)
230.380	r	(P-741)	232.410	n	(P-14969)	615.102	n	(P-10303)	616.201	n	(P-9836)
230.390	r	(P-741)	232.500	n	(P-14969)	615.103	n	(P-10303)	616.202	n	(P-9836)
230.400	r	(P-741)	232.Ap.A	n	(P-14969)	615.104	n	(P-10303)	616.203	n	(P-9836)
230.410	r	(P-741)	232.Ap.B	n	(P-14969)	615.105	n	(P-10303)	616.204	n	(P-9836)
230.430	r	(P-741)	232.Ap.C	n	(P-14969)	615.201	n	(P-10303)	616.205	n	(P-9836)
230.440	r	(P-741)	240.102	am	(P-12109)	615.202	n	(P-10303)	616.206	n	(P-9836)
230.470	r	(P-741)	240.122	am	(P-12109)	615.203	n	(P-10303)	616.207	n	(P-9836)
230.480	r	(P-741)	240.140	n	(P-12109)	615.204	n	(P-10303)	616.208	n	(P-9836)
230.490	r	(P-741)	240.141	n	(P-12109)	615.205	n	(P-10303)	616.209	n	(P-9836)
230.500	r	(P-741)	240.142	n	(P-12109)	615.206	n	(P-10303)	616.210	n	(P-9836)
230.520	r	(P-741)	240.143	n	(P-12109)	615.207	n	(P-10303)	616.211	n	(P-9836)
230.530	r	(P-741)	240.144	n	(P-12109)	615.208	n	(P-10303)	616.301	n	(P-9836)
230.540	r	(P-741)	240.145	n	(P-12109)	615.209	n	(P-10303)	616.302	n	(P-9836)
230.550	r	(P-741)	240.146	n	(P-12109)	615.210	n	(P-10303)	616.303	n	(P-9836)
230.560	r	(P-741)	240.147	n	(P-12109)	615.211	n	(P-10303)	616.304	n	(P-9836)
230.570	r	(P-741)	240.148	n	(P-12109)	615.301	n	(P-10303)	616.305	n	(P-9836)
230.580	r	(P-741)	270.10	n	(P-14845)	615.302	n	(P-10303)	616.306	n	(P-9836)
230.590	r	(P-741)	270.20	n	(P-14845)	615.303	n	(P-10303)	616.307	n	(P-9836)
230.600	r	(P-741)	270.30	n	(P-14845)	615.304	n	(P-10303)	616.401	n	(P-9836)
230.680	r	(P-741)	270.40	n	(P-14845)	615.305	n	(P-10303)	616.402	n	(P-9836)
230.690	r	(P-741)	270.50	n	(P-14845)	615.306	n	(P-10303)	616.421	n	(P-9836)
230.700	r	(P-741)	270.60	n	(P-14845)	615.307	n	(P-10303)	616.422	n	(P-9836)
230.720	r	(P-741)	270.70	n	(P-14845)	615.401	n	(P-10303)	616.423	n	(P-9836)
230.730	r	(P-741)	270.80	n	(P-14845)	615.402	n	(P-10303)	616.424	n	(P-9836)
230.740	r	(P-741)	276.101	am	(P-13607)	615.403	n	(P-10303)	616.425	n	(P-9836)
230.780	r	(P-741)	276.102	am	(P-13607)	615.404	n	(P-10303)	616.441	n	(P-9836)
230.Tb.A	r	(P-741)	276.204	am	(P-13607)	615.421	n	(P-10303)	616.442	n	(P-9836)
230.Tb.B	r	(P-741)	276.206	n	(P-13607)	615.422	n	(P-10303)	616.443	n	(P-9836)
230.Ap.A	r	(P-741)	276.301	am	(P-13607)	615.423	n	(P-10303)	616.444	n	(P-9836)
230.Ap.B	r	(P-741)	276.303	am	(P-13607)	615.424	n	(P-10303)	616.445	n	(P-9836)

VOL. 15, ISSUE #43

SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

[illegible]

SAI-15

SAI-16

[illegible]

SECTIONS AFFECTED INDEX

TITLE 47 (CONT'D)

100 Ap. E	r	(P-14337; E-14604)	360.502	am	(P-9260)
100 Ap. E	am	(P-15189/90; O-1575; A-3437)	360.503	am	(P-9260)
100 Ap. F	r	(P-14337; E-14604)	360.504	am	(P-9260)
100 Ap. F	am	(P-15189/90; O-1575; A-3437)	360.505	am	(P-9260)
110.10	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.506	am	(P-9260)
	am		360.507	am	(P-9260)
	am		360.601	am	(P-9260)
110.30	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.602	am	(P-9260)
	am		360.603	am	(P-9260)
110.40	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.604	am	(P-9260)
	am		360.605	am	(P-9260)
110.50	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.606	am	(P-9260)
	am		360.701	am	(P-9260)
110.60	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.801	am	(P-9260)
	am		360.802	am	(P-9260)
110.70	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.803	am	(P-9260)
	am		360.901	am	(P-9260)
110.80	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.902	am	(P-9260)
	am		360.903	am	(P-9260)
110.90	am	(P-10985/90; O-19076/90; R-3127; A-4410)	360.904	am	(P-9260)
	am		360.905	am	(P-9260)
110.91	n	(P-10985/90; O-19076/90; R-3127; A-4410)	600.1101	am	(P-11911)
	n		600.10	n	(P-11911)
110.92	n	(P-10985/90; O-19076/90; R-3127; A-4410)	600.20	n	(P-11911)
	n		600.30	n	(P-11911)
110.93	n	(P-10985/90; O-19076/90; R-3127; A-4410)	600.40	n	(P-11911)
	n		600.50	n	(P-11911)
110.100	am	(P-10985/90; O-19076/90; R-3127; A-4410)	600.60	n	(P-11911)
	n			n	
110.105	n	(P-10985/90; O-19076/90; R-3127; A-4410)		am	(P-15238/90; A-4458)
	am		754 Ex.C		
110.130	am	(P-10985/90; O-19076/90; R-3127; A-4410)	909.50	am	(P-8766)
	am		918.10	r	(P-2899; A-11639)
120.30	am	(P-13993)	918.20	r	(P-2899; A-11639)
120.55	am	(P-13993)	918.30	r	(P-2899; A-11639)
120.80	am	(P-13993)	918.40	r	(P-2899; A-11639)
120.90	am	(P-13993)	918.50	r	(P-2899; A-11639)
120.110	am	(P-13993)		r	(P-2899; A-11639)
120.115	am	(P-8617; P-13993)		r	(P-2899; A-11639)
140.10	r	(PR-13241)	II. I	r	(P-2899; A-11639)
140.20	r	(PR-13241)	II. II	r	(P-2899; A-11639)
140.30	r	(PR-13241)	II. III	r	(P-2899; A-11639)
140.40	r	(PR-13241)	II. IV	r	(P-2899; A-11639)
140.50	r	(PR-13241)	930.60	am	(P-10884)
140.60	r	(PR-13241)	1407.10	n	(P-17737/90; A-8872)
350.205	am	(P-9282)	1407.20	n	(P-17737/90; A-8872)
350.206	am	(P-9282)	1407.30	n	(P-17737/90; A-8872)
360.102	am	(P-9260)	1407.40	n	(P-17737/90; A-8872)
360.103	am	(P-9260)	1407.50	n	(P-17737/90; A-8872)
360.104	am	(P-9260)	1407.60	n	(P-17737/90; A-8872)
360.106	am	(P-9260)	2007.10	am	(P-17737/90; A-8872)
360.202	am	(P-9260)	2007.50	am	(P-17737/90; A-8872)
360.302	am	(P-9260)	2007.60	am	(P-17737/90; A-8872)
360.306	am	(P-9260)	2007.70	am	(P-17737/90; A-8872)
360.307	#	(P-9260)	2007.80	am	(P-17737/90; A-8872)
360.307	am	(P-9260)	2008.10	am	(P-14859)
360.308	#	(P-9260)	2008.20	am	(P-14859)
360.308	am	(P-9260)	2008.30	am	(P-14859)
360.309	am	(P-9260)	2008.40	am	(P-14859)
360.310	#	(P-9260)	2008.50	am	(P-14859)
360.310	am	(P-9260)	2008.60	am	(P-14859)
360.401	am	(P-9260)	2008.61	r	(P-4566; W-6788)
360.501	am	(P-9260)	2008.70	am	(P-14859)

SECTIONS AFFECTED INDEX

TITLE 50 (CONT'D)

6101.20	am	(P-14859)	2008.71	#	(P-14859)
6101.40	am	(P-14859)	2008.72	n	(P-14859)
6101.50	am	(P-14859)	2008.73	n	(P-14859)
6101.110	am	(P-14859)	2008.74	n	(P-14859)
	n	(P-14859)	2008.75	#	(P-14859)
6101.111	n	(P-14859)	2008.76	am	(P-14859)
6101.112	n	(P-14859)	2008.77	am	(P-14859)
6101.130	am	(P-14859)	2008.80	am	(P-14859)
6101.140	am	(P-14859)	2008.81	r	(P-14859)
6101.141	n	(P-14859)	2008.82	am	(P-14859)
6101.142	n	(P-14859)	2008.83	am	(P-14859)
6101.160	r	(P-14859)	2008.90	am	(P-14859)
6101.20	am	(P-14859)	2008.100	am	(P-14859)
6101.20	am	(P-14859)	2008.101	am	(P-14859)
6101.20	am	(P-14859)	2008.102	am	(P-14859)
6602.10	n	(P-14859)	2008.104	am	(P-14859)
6602.20	n	(P-14859)	2008.104	am	(P-14859)
6602.Ap.A	n	(P-14859)	2008.110	am	(P-14859)
6602.Ap.B	n	(P-14859)	2008.Ap. A	am	(P-14859)
6602.Ap.C	n	(P-14859)	2008.Ap. B	am	(P-14859)
6602.Ap.D	n	(P-14859)	2008.Ap. C	#	(P-14859)
6602.Ap.E	n	(P-14859)	2008.Ap. D	r	(P-14859)
6602.Ap.F	n	(P-14859)	2008.Ap. E	n	(P-14859)
6602.Ap.G	n	(P-14859)	2008.Ap. F	n	(P-14859)
6602.Ap.H	n	(P-14859)	2008.Ap. G	n	(P-14859)
6602.Ap.I	n	(P-14859)	2008.Ap. H	n	(P-14859)
6602.Ap.J	n	(P-14859)	2008.Ap. I	n	(P-14859)
6602.Ap.K	n	(P-14859)	2008.Ap. J	n	(P-14859)
6602.Ap.L	n	(P-14859)	2008.Ap. K	n	(P-14859)
6602.Ap.M	n	(P-14859)	2008.Ap. L	n	(P-14859)
7020.10	am	(P-14859)	2008.Ap. M	n	(P-14859)
7020.20	am	(P-14859)	2008.Ap. N	n	(P-14859)
7020.30	am	(P-14859)	2008.Ap. O	n	(P-14859)
7020.40	am	(P-14859)	2008.Ap. P	n	(P-14859)
7020.50	am	(P-14859)	2008.Ap. Q	n	(P-14859)
7020.60	am	(P-14859)	2008.Ap. R	n	(P-14859)
7030.20	am	(P-14859)	2008.Ap. S	n	(P-14859)
7030.20	am	(P-14859)	2008.Ap. T	n	(P-14859)
7100.70	am	(P-14859)	2008.Ap. U	n	(P-14859)
8010.30	am	(P-14859)	2008.Ap. V	n	(P-14859)
	am	(P-5953; A-15061)	2009.20	am	(P-5953; A-15061)
	am	(P-5953; A-15061)	2009.30	am	(P-5953; A-15061)
	am	(P-5953; A-15061)	2009.40	am	(P-5953; A-15061)
	am	(P-5953; A-15061)	2009.60	am	(P-5953; A-15061)
	am	(P-5953; A-15061)	2009.Ex. A	am	(P-5953; A-15061)
205 Tb.A	am	(P-5953; A-15061)	2014.10	n	(P-5953; A-15061)
240.1200	rc	(P-5953; A-15061)	2014.20	n	(P-5953; A-15061)
240.1205	rc	(P-5953; A-15061)	2014.30	n	(P-5953; A-15061)
240.1210	rc	(P-5953; A-15061)	2014.40	n	(P-5953; A-15061)
240.1220	rc	(P-5953; A-15061)	2014.50	n	(P-5953; A-15061)
240.1230	rc	(P-5953; A-15061)	2014.Ex. A	n	(P-5953; A-15061)
240.1240	rc	(P-5953; A-15061)	2801.50	am	(P-5953; A-15061)
240.1250	rc	(P-5953; A-15061)	3113.40	am	(P-5953; A-15061)
240.1260	rc	(P-5953; A-15061)	3119.20	am	(P-5953; A-15061)
240.1270	rc	(P-5953; A-15061)	3119.30	am	(P-5953; A-15061)
240.1280	rc	(P-5953; A-15061)	3119.40	am	(P-5953; A-15061)
240.1290	rc	(P-5953; A-15061)	3119.50	am	(P-5953; A-15061)
240.1300	rc	(P-5953; A-15061)	3119.60	am	(P-5953; A-15061)
240.1310	rc	(P-5953; A-15061)	3119.70	am	(P-5953; A-15061)
240.1320	rc	(P-5953; A-15061)	3119.Ex.A	am	(P-5953; A-15061)
240.1330	rc	(P-5953; A-15061)	3119.Ex.B	am	(P-5953; A-15061)
240.1340	rc	(P-5953; A-15061)	3119.Ex.C	am	(P-5953; A-15061)
240.1350	rc	(P-5953; A-15061)	3119.Ex.D	am	(P-5953; A-15061)
240.1360	rc	(P-5953; A-15061)	6101.10	am	(P-5953; A-15061)

TITLE 56

205 Tb.A	am	(P-4872)
240.1200	rc	(A-11641)
240.1205	rc	(A-11641)
240.1210	rc	(A-11641)
240.1220	rc	(A-11641)
240.1230	rc	(A-11641)
240.1240	rc	(A-11641)
240.1250	rc	(A-11641)
240.1260	rc	(A-11641)
240.1270	rc	(A-11641)
240.1280	rc	(A-11641)
240.1290	rc	(A-11641)
240.1300	rc	(A-11641)
240.1310	rc	(A-11641)
240.1320	rc	(A-11641)
240.1330	rc	(A-11641)
240.1340	rc	(A-11641)
240.1350	rc	(A-11641)
240.1360	rc	(A-11641)

TITLE 56 - CONT'D			
r	5300.770		
r	5300.782		
r	5300.783		
r	5300.784		
r	5300.785		
r	5300.786		
r	5300.787		
r	5300.788		
am	5300.825		
am	5300.865		
am	5300.920		
am	5300.930		
am	5300.940		
am	5300.950		
am	5300.960		
n	5300.1145		
am	5300.1150		
am	5300.1160		
am	6000.10		
am	6000.20		
n	6000.330		

TITLE 59			
am	101.20		
am	101.30		
n	101.100		
am	106.25		
am	106.45		
am	108.10		
am	108.20		
am	108.30		
am	108.40		
am	108.50		
am	108.60		
am	108.70		
am	108.80		
am	108.90		
am	108.100		
am	108.110		
am	108.120		
am	108.130		
am	108.140		
am	108.150		
am	108.160		
am	108.200		
n	108.210		
n	108.300		
n	108.Ap. A		
am	110.20		
am	115.410		
n	117.100		
n	117.110		
n	117.115		
n	117.120		
n	117.125		
n	117.130		
n	117.135		
n	117.140		
n	117.145		
n	117.200		
n	117.205		
n	117.210		
n	117.215		
n	117.220		

[illegible]

130.170	am
130.180	am
130.190	am
130.200	am
130.210	am
130.220	am
130.230	am
130.240	am
130.250	am
130.Tb.A	am
130.Tb.B	am

TABLE 62	
220.160	am
240.10	am
240.200	n
240.210	n
240.210	r
240.220	n
240.220	r
240.230	re
240.230	n
240.240	n
240.240	r
240.250	n
240.250	re
240.250	r
240.255	re
240.260	re
240.260	r
240.270	r
240.280	r
240.300	n
240.305	re
240.310	re
240.310	n
240.320	re
240.320	n
240.330	re
240.330	n
240.340	re
240.340	n
240.350	re
240.350	n
240.360	re
240.360	n
240.370	re
240.370	n
240.380	n
240.390	n
240.395	n

240.410	(P-2014090; W-5110) (P-8448; A-15493)	r
240.410	(P-2014090; W-5110) (P-8448; A-15493)	n
240.420	(P-2014090; W-5110) (P-8448; A-15493)	r
240.420	(P-2014090; W-5110) (P-8448; A-15493)	n
240.430	(P-2014090; W-5110) (P-8448; A-15493)	r
240.430	(P-2014090; W-5110) (P-8448; A-15493)	n
240.440	(P-2014090; W-5110) (P-8448; A-15493)	n
240.450	(P-2014090; W-5110) (P-8448; A-15493)	n
240.460	(P-2014090; W-5110) (P-8448; A-15493)	n
240.470	(P-2014090; W-5110) (P-8448; A-15493)	n
240.510	(P-8448; A-15493)	r
240.520	(P-8448; A-15493)	r
240.600	(P-8448; A-15493)	n
240.610	(P-8448; A-15493)	n
240.610	(P-8448; A-15493)	r
240.620	(P-8448; A-15493)	n
240.630	(P-8448; A-15493)	n
240.630	(P-8448; A-15493)	n
240.640	(P-8448; A-15493)	n
240.650	(P-8448; A-15493)	r
240.655	(P-8448; A-15493)	n
240.655	(P-8448; A-15493)	r
240.655	(P-1620590; A-2706)	ann
240.660	(P-8448; A-15493)	r
240.670	(P-8448; A-15493)	re
240.680	(P-8448; A-15493)	re
240.700	(P-8448; A-15493)	n
240.710	(P-8448; A-15493)	n
240.720	(P-8448; A-15493)	re
240.720	(P-8448; A-15493)	re
240.730	(P-8448; A-15493)	n
240.740	(P-8448; A-15493)	n
240.750	(P-8448; A-15493)	n
240.760	(P-8448; A-15493)	n
240.770	(P-8448; A-15493)	n
240.780	(P-8448; A-15493)	n
240.790	(P-8448; A-15493)	n
240.805	(P-8448; A-15493)	rc
240.810	(P-8448; A-15493)	rc
240.820	(P-8448; A-15493)	rc
240.830	(P-8448; A-15493)	rc
240.840	(P-8448; A-15493)	rc
240.850	(P-8448; A-15493)	rc
240.860	(P-8448; A-15493)	rc
240.870	(P-8448; A-15493)	rc
240.880	(P-8448; A-15493)	rc
240.890	(P-8448; A-15493)	rc
240.905	(P-8448; A-15493)	rc
240.910	(P-8448; A-15493)	rc
240.920	(P-8448; A-15493)	rc

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

TITLE 62 (CONT'D)

240.930	re	(A-8566)	1700.11	am	(P-1235)
240.940	re	(A-8566)	1701.Ap. A	am	(P-1242)
240.950	re	(A-8566)	1702.1	n	(P-1221)
240.960	re	(A-8566)	1702.5	n	(P-1221)
240.970	re	(A-8566)	1702.10	n	(P-1221)
240.980	re	(A-8566)	1702.12	n	(P-1221)
240.985	re	(A-8566)	1702.13	n	(P-1221)
240.990	re	(A-8566)	1702.14	n	(P-1221)
240.995	re	(A-8566)	1702.15	n	(P-1221)
240.995	re	(A-8566)	1702.16	n	(P-1221)
240.1000	re	(P-14365) (E-14679)	1702.17	n	(P-1221)
240.1200	re	(A-8566) (CC-11641)	1702.18	n	(P-1221)
240.1205	re	(A-8566) (CC-11641)	1702.18	n	(P-1221)
240.1210	re	(A-8566) (CC-11641)	1761.11	am	(P-1212)
240.1220	re	(A-8566) (CC-11641)	1761.12	am	(P-1212)
240.1230	re	(A-8566) (CC-11641)	1772.11	am	(P-1347)
240.1240	re	(A-8566) (CC-11641)	1772.14	am	(P-1347)
240.1250	re	(A-8566) (CC-11641)	1773.5	am	(P-1352)
240.1260	re	(A-8566) (CC-11641)	1773.11	am	(P-1352)
240.1270	re	(A-8566) (CC-11641)	1773.15	am	(P-1352)
240.1300	re	(A-8566) (CC-11641)	1773.17	am	(P-1352)
240.1305	re	(A-8566)	1773.19	am	(P-1352)
240.1310	re	(A-8566)	1774.13	am	(P-1363)
240.1320	re	(A-8566)	1778.14	am	(P-1342)
240.1330	re	(A-8566)	1780.16	am	(P-1374)
240.1340	re	(A-8566)	1780.37	am	(P-1374)
240.1350	re	(A-8566)	1780.39	am	(P-1374)
240.1360	re	(A-8566)	1784.21	am	(P-1382)
240.1370	re	(A-8566)	1784.24	am	(P-1382)
240.1380	re	(A-8566)	1784.30	am	(P-1382)
240.1385	re	(A-8566)	1816.49	am	(P-1266)
240.1390	re	(A-8566)	1816.68	am	(P-1266)
240.1395	re	(A-8566)	1816.84	am	(P-1266)
240.1400	re	(A-8566) (CC-11641)	1816.111	am	(P-1266)
240.1400	re	(P-14365) (E-14679)	1816.116	am	(P-1266)
240.1400	n	(P-14365) (E-14679)	1816.117	am	(P-1266)
240.1400	re	(A-8566) (CC-11641)	1816.150	am	(P-1266)
240.1405	re	(P-14365) (E-14679)	1816.151	n	(P-1266)
240.1410	re	(A-8566) (CC-11641)	1816.Ap.A	am	(P-1314)
240.1410	re	(P-14365) (E-14679)	1817.49	am	(P-1314)
240.1410	re	(P-14365) (E-14679)	1817.68	am	(P-1314)
240.1420	re	(A-8566) (CC-11641)	1817.84	am	(P-1314)
240.1420	re	(P-14365) (E-14679)	1817.116	am	(P-1314)
240.1420	n	(P-14365) (E-14679)	1817.117	am	(P-1314)
240.1420	re	(A-8566) (CC-11641)	1817.150	am	(P-1314)
240.1430	re	(P-14365) (E-14679)	1817.151	n	(P-1314)
240.1430	re	(P-14365) (E-14679)	1823.14	am	(P-1368)
240.1430	re	(A-8566) (CC-11641)	1823.15	am	(P-1368)
240.1440	re	(P-14365) (E-14679)	2501.7	am	(P-141; A-6513)
240.1440	n	(P-14365) (E-14679)	2501.10	am	(P-141; A-6513)
240.1440	re	(A-8566) (CC-11641)	2501.13	am	(P-141; A-6513)
240.1450	re	(P-14365) (E-14679)	2501.16	am	(P-141; A-6513)
240.1450	re	(P-14365) (E-14679)	2501.19	am	(P-141; A-6513)
240.1460	re	(A-8566) (CC-11641)	2501.25	am	(P-141; A-6513)
240.1460	re	(P-14365) (E-14679)	2501.25	am	(P-141; A-6513)
240.1470	re	(A-8566) (CC-11641)	870.100	n	(P-12094)
240.1470	re	(P-14365) (E-14679)	870.105	n	(P-12094)
240.1500	re	(A-8566)	870.110	n	(P-12094)
240.1500	re	(P-14365) (E-14679)	870.115	n	(P-12094)
240.1500	n	(P-14365) (E-14679)	870.120	n	(P-12094)
240.1510	n	(P-14365) (E-14679)	870.205	n	(P-12094)
240.1520	n	(P-14365) (E-14679)	870.205	n	(P-12094)
240.1530	n	(P-14365) (E-14679)	870.210	n	(P-12094)

SAI-23

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

TITLE 68 (CONT'D)

870.215	n	(P-12094)	1275.60	n	(P-3218; A-10091) (E-3324)
870.220	n	(P-12094)	1275.60	am	(P-7378/90; A-5258)
870.225	n	(P-12094)	1275.90	n	(P-3218; A-10091)
870.230	n	(P-12094)	1285.20	n	(P-3218; A-10091)
870.235	n	(P-12094)	1285.40	am	(P-6888; A-13365)
870.240	n	(P-12094)	1285.50	am	(P-6888; A-13365)
870.245	n	(P-12094)	1285.60	am	(P-6888; A-13365)
870.300	n	(P-12094)	1285.70	am	(P-6888; A-13365)
870.305	n	(P-12094)	1285.80	am	(P-6888; A-13365)
870.310	n	(P-12094)	1285.90	am	(P-6888; A-13365)
870.315	n	(P-12094)	1285.95	am	(P-6888; A-13365)
870.320	n	(P-12094)	1285.105	n	(P-11369)
870.325	n	(P-12094)	1285.120	am	(P-6888; A-13365)
870.400	n	(P-12094)	1300.30	am	(P-2519; A-8573) (E-2855)
870.405	n	(P-12094)	1340.15	n	(P-11369) (E-11503; RC-14322)
870.500	n	(P-12094)	1340.15	am	(P-11369) (E-11503; RC-14322)
870.505	n	(P-12094)	1340.20	am	(P-11369) (E-11503; RC-14322)
870.510	n	(P-12094)	1340.30	am	(P-17432/90; A-5254)
1150.20	am	(P-2492)	1340.40	am	(P-11369) (E-11503; RC-14322)
1150.30	am	(P-2492)	1340.50	am	(P-11369)
1150.40	am	(P-2492)	1340.55	am	(P-11369)
1150.50	am	(P-2492)	1340.60	am	(P-11369)
1150.60	am	(P-2492)	1340.65	am	(P-11369)
1150.65	am	(P-2492)	1340.70	am	(P-11369)
1150.70	am	(P-2492)	1340.70	am	(P-11369)
1150.80	am	(P-2492)	1340.70	am	(P-11369)
1150.90	am	(P-2492)	1380.210	am	(P-7346/90; A-247)
1150.100	am	(P-2492)	1380.220	am	(P-7346/90; A-247)
1150.110	am	(P-2492)	1380.230	am	(P-7346/90; A-247)
1150.11.A	am	(P-2492)	1380.240	am	(P-7346/90; A-247)
1200.30	am	(P-2492)	1380.250	am	(P-7346/90; A-247)
1200.16	n	(P-2456/90; A-3051)	1380.260	am	(P-7346/90; A-247)
1240.40	am	(P-2456/90; A-3051)	1380.270	am	(P-7346/90; A-247)
1240.50	am	(P-2456/90; A-3051)	1380.280	am	(P-7346/90; A-247)
1250.110	am	(P-1691; A-8238)	1380.285	n	(P-7346/90; A-247)
1250.120	am	(P-1691; A-8238)	1380.290	am	(P-7346/90; A-247)
1250.130	am	(P-1691; A-8238)	1380.300	am	(P-7346/90; A-247)
1250.135	am	(P-1691; A-8238)	1380.310	am	(P-7346/90; A-247)
1250.140	am	(P-1691; A-8238)	1380.320	am	(P-7346/90; A-247)
1250.150	am	(P-1691; A-8238)	1380.320	am	(P-7346/90; A-247)
1250.155	am	(P-1691; A-8238)	1380.Ap.A	am	(P-7346/90; A-247)
1250.160	am	(P-1691; A-8238)	1450.10	am	(P-19515/90; A-10416)
1250.160	am	(P-1691; A-8238)	1450.11	#	(P-19515/90; A-10416)
1250.170	am	(P-1691; A-8238)	1450.11	am	(P-19515/90; A-10416)
1250.170	am	(P-1691; A-8238)	1450.12	#	(P-19515/90; A-10416)
1250.190	r	(P-1691; A-8238)	1450.12	am	(P-19515/90; A-10416)
1250.200	am	(P-1691; A-8238)	1450.15	am	(P-19515/90; A-10416)
1250.205	am	(P-1691; A-8238)	1450.17	am	(P-19515/90; A-10416)
1250.210	am	(P-1691; A-8238)	1450.18	am	(P-19515/90; A-10416)
1250.220	am	(P-1691; A-8238)	1450.19	n	(P-19515/90; A-10416)
1270.5	n	(P-7378/90; A-5258)	1450.20	am	(P-19515/90; A-10416)
1275.10	am	(P-3218; A-10091) (E-3324)	1450.25	n	(P-19515/90; A-10416)
1275.10	n	(P-7378/90; A-5258)	1450.30	am	(P-19515/90; A-10416)
1275.13	am	(P-7378/90; A-5258)	1450.40	am	(P-19515/90; A-10416)
1275.15	am	(P-7378/90; A-5258)	1450.50	am	(P-19515/90; A-10416)
1275.20	am	(P-3218; A-10091) (E-3324)	1450.55	n	(P-19515/90; A-10416)
1275.20	am	(P-7378/90; A-5258)	1450.60	am	(P-19515/90; A-10416)
1275.30	am	(P-3218; A-10091) (E-3324)	1450.70	am	(P-19515/90; A-10416)
1275.35	nb	(P-7378/90; A-5258)	1450.80	am	(P-19515/90; A-10416)
1275.40	am	(P-3218; A-10091)	1450.90	am	(P-19515/90; A-10416)
1275.45	am	(P-7378/90; A-5258)	1450.100	am	(P-19515/90; A-10416)
1275.50	n	(P-3218; A-10091)			C-10848)
1275.50	am	(P-7378/90; A-5258)			C-10848)

SAI-24

ILLINOIS REGISTER

VOL. 15, ISSUE #43

OCTOBER 25, 1991

OCTOBER 25, 1991

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
920.10 am (P-6460)	1110.930 (P-15299) am	2030.430 (P-9083) n	2030.130 (P-9083) n
920.15 am (P-6460)	1110.1030 (P-15299) am	2030.440 (P-9153) n	2030.140 (P-9153) n
920.20 am (P-6460)	1110.1210 (P-15299) am	2030.440 (P-9083) n	2030.140 (P-9083) n
920.30 am (P-6460)	1110.1220 (P-15299) am	2030.450 (P-9153) r	2030.150 (P-9083) n
920.40 am (P-6460)	1110.1230 (P-15299) am	2030.450 (P-9083) n	2030.160 (P-9153) n
920.50 am (P-6460)	1110.1410 (P-15299) am	2030.510 (P-9083) n	2030.1205 (P-9153) n
920.60 am (P-6460)	1110.1420 (P-15299) am	2030.520 (P-9083) n	2030.1205 (P-9083) n
920.70 am (P-6460)	1110.1430 (P-15299) am	2030.530 (P-9083) n	2030.1210 (P-9083) n
920.80 am (P-6460)	1110.1730 (P-15299) am	2030.540 (P-9083) n	2030.1215 (P-9153) n
920.90 am (P-6460)	1110.1830 (P-15299) am	2030.550 (P-9083) n	2030.1215 (P-9083) n
920.100 am (P-6460)	1110.2030 (P-15299) am	2030.610 (P-9153) n	2030.1220 (P-9153) r
920.110 am (P-6460)	1110.2310 (P-15299) am	2030.610 (P-9083) n	2030.1220 (P-9083) n
920.120 am (P-6460)	1110.2320 (P-15299) am	2030.620 (P-9153) r	2030.1225 (P-9153) n
920.130 am (P-6460)	1110.2330 (P-15299) am	2030.620 (P-9083) n	2030.1225 (P-9083) n
920.170 n (P-6460)	1110.2410 (P-15299) n	2030.630 (P-9153) r	2030.1230 (P-9153) r
920.180 n (P-6460)	1110.2420 (P-15299) n	2030.640 (P-9083) r	2030.1230 (P-9083) n
920.Tb.A am (P-6460)	1110.2430 (P-15299) n	2030.710 (P-9153) r	2030.1235 (P-9153) r
920.Tb.B am (P-6460)	1130.420 (E-4787; O-8319) (P-6100; W-13201) n	2030.710 (P-9083) r	2030.1240 (P-9153) r
920.Tb.H n (P-6460)	1130.Ap. A (P-428; A-9731) n	2030.720 (P-9153) r	2030.1245 (P-9153) r
925.10 am (P-6498)	2030.10 (P-9083) r	2030.720 (P-9083) n	2030.1245 (P-9083) n
925.15 am (P-6498)	2030.10 (P-9153) n	2030.730 (P-9153) r	2030.1250 (P-9153) r
925.20 am (P-6498)	2030.20 (P-9083) r	2030.730 (P-9083) n	2030.1250 (P-9083) n
925.30 am (P-6498)	2030.20 (P-9153) n	2030.740 (P-9153) r	2030.1255 (P-9153) n
925.40 am (P-6498)	2030.30 (P-9083) r	2030.740 (P-9083) n	2030.1255 (P-9083) n
925.50 am (P-6498)	2030.30 (P-9153) n	2030.750 (P-9153) r	2030.1265 (P-9153) r
925.II. A am (P-6498)	2030.40 (P-9083) r	2030.750 (P-9083) n	2030.1265 (P-9153) r
1100.70 am (P-15255)	2030.40 (P-9153) n	2030.760 (P-9153) r	2030.1265 (P-9083) n
1100.220 am (P-15255)	2030.50 (P-9083) r	2030.760 (P-9083) n	2030.1270 (P-9153) r
1100.330 am (P-15255)	2030.100 (P-9153) n	2030.810 (P-9153) r	2030.1310 (P-9153) r
1100.340 am (P-15255)	2030.105 (P-9083) r	2030.810 (P-9083) n	2030.1320 (P-9153) r
1100.350 am (P-15255)	2030.107 (P-9083) n	2030.820 (P-9153) r	2030.1320 (P-9083) n
1100.410 am (P-15255)	2030.110 (P-9153) n	2030.820 (P-9083) n	2030.1330 (P-9153) r
1100.420 am (P-15255)	2030.110 (P-9083) r	2030.830 (P-9083) n	2030.1340 (P-9153) r
1100.430 n (P-15255)	2030.115 (P-9153) n	2030.840 (P-9083) r	2030.1350 (P-9153) r
1100.510 am (P-15255)	2030.120 (P-9083) r	2030.850 (P-9153) n	2031.10 (P-9083) r
1100.520 am (P-15255)	2030.120 (P-9153) n	2030.910 (P-9153) r	2032.10 (P-9149) r
1100.530 am (P-15255)	2030.130 (P-9083) r	2030.910 (P-9083) n	2032.15 (P-9218) r
1100.540 am (P-15255)	2030.130 (P-9153) n	2030.920 (P-9153) r	2032.20 (P-9218) r
1100.550 am (P-15255)	2030.140 (P-9083) r	2030.930 (P-9153) r	2032.25 (P-9218) r
1100.560 am (P-15255)	2030.150 (P-9083) r	2030.940 (P-9153) r	2032.30 (P-9218) r
1100.570 am (P-15255)	2030.160 (P-9083) r	2030.950 (P-9153) r	2032.35 (P-9218) r
1100.580 am (P-15255)	2030.210 (P-9153) n	2030.960 (P-9153) r	2032.40 (P-9218) r
1100.590 am (P-15255)	2030.210 (P-9083) r	2030.970 (P-9153) r	2032.45 (P-9218) r
1100.610 am (P-15255)	2030.220 (P-9153) n	2030.980 (P-9153) r	2032.50 (P-9218) r
1100.630 am (P-15255)	2030.220 (P-9083) r	2030.1010 (P-9153) r	2032.55 (P-9218) r
1100.660 am (P-15255)	2030.230 (P-9153) n	2030.1010 (P-9083) n	2032.60 (P-9218) r
1100.670 am (P-15255)	2030.230 (P-9083) r	2030.1020 (P-9153) r	2032.60 (P-9083) r
1100.720 am (P-15255)	2030.310 (P-9153) n	2030.1030 (P-9083) n	2058.105 (P-6457/90; A-2597) (P-8337; A-13708) am
1100.730 n (P-15255)	2030.310 (P-9083) r	2030.1030 (P-9153) r	2058.110 (P-6457/90; A-2597) (P-8337; A-13708) am
1110.20 r (P-15299)	2030.320 (P-9153) n	2030.1030 (P-9083) n	2058.115 (P-8337; A-13708) am
1110.30 am (P-15299)	2030.320 (P-9083) r	2030.1040 (P-9153) n	2058.120 (P-6457/90; A-2597) am
1110.40 am (P-15299)	2030.330 (P-9153) n	2030.1040 (P-9083) n	2058.125 (P-6457/90; A-2597) am
1110.55 am (P-15299)	2030.330 (P-9083) r	2030.1010 (P-9153) r	2058.130 (P-8337) am
1110.230 am (P-15299)	2030.340 (P-9153) n	2030.1050 (P-9083) n	2058.135 (P-8337; A-13708) r
1110.240 n (P-15299)	2030.340 (P-9083) r	2030.1060 (P-9083) n	2058.200 (P-8337; A-13708) am
1110.320 am (P-15299)	2030.350 (P-9153) n	2030.1070 (P-9083) n	2058.205 (P-8337; A-13708) am
1110.420 am (P-15299)	2030.350 (P-9083) r	2030.1080 (P-9083) n	2058.220 (P-8337; A-13708) am
1110.530 am (P-15299)	2030.360 (P-9153) n	2030.1090 (P-9083) n	2058.220 (P-8337; A-13708) am
1110.630 am (P-15299)	2030.410 (P-9083) r	2030.1110 (P-9153) r	2058.230 (P-6457/90; A-2597) (P-8337; A-13708) am
1110.730 am (P-15299)	2030.410 (P-9153) n	2030.1110 (P-9083) n	2058.235 (P-8337; A-13708) am
1110.830 am (P-15299)	2030.420 (P-9153) r	2030.1120 (P-9153) r	2058.303 (P-6457/90; A-2597) am
1110.910 am (P-15299)	2030.420 (P-9083) r	2030.1120 (P-9083) n	2058.303 (P-8337; A-13708) r
1110.920 am (P-15299)	2030.430 (P-9153) r	2030.1130 (P-9153) r	2058.303 (P-9153) r

TITLE 77 (CONT'D)		TITLE 80 (CONT'D)		TITLE 83		TITLE 80 (CONT'D)		TITLE 83	
2058.306	am	(P-6457/90; A-2597)	2058.905	am	(P-6457/90; A-2597)	2120.30	am	(P-12074)	730.420
2058.309	am	(P-6457/90; A-2597)	2090.10	am	(P-9785) (E-10222)	2120.30	am	(P-12074)	730.425
2058.312	am	(P-6457/90; A-2597)	2090.20	am	(P-9785) (E-10222)	2120.210	am	(P-12074)	730.430
2058.315	am	(P-6457/90; A-2597)	2090.30	am	(P-9785) (E-10222)	2120.210	am	(P-12074)	730.435
2058.318	am	(P-6457/90; A-2597)	2090.40	am	(P-9785) (E-10222)	2120.310	am	(P-12074)	730.440
2058.319	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.440	am	(P-12074)	730.445
2058.321	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.450
2058.324	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.500
2058.327	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.501
2058.330	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.502
2058.333	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.503
2058.336	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.504
2058.342	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.505
2058.343	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.505
2058.348	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.506
2058.351	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.507
2058.354	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.508
2058.357	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.509
2058.360	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.510
2058.363	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.366	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.369	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.372	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.374	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.378	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.380	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.382	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.384	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.386	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.388	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.390	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.392	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.394	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.396	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.400	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.405	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.410	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.600	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.602	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.603	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.630	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.700	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.705	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.805	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.900	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.905	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.910	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.915	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.920	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.925	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.930	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.935	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.940	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.945	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.950	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.955	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.960	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.965	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.970	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.975	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.980	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.985	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2058.990	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511
2059.000	am	(P-6457/90; A-2597)	2090.50	am	(P-9785) (E-10222)	2120.510	am	(P-12074)	730.511

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

VOL. 15, ISSUE #43

OCTOBER 25, 1991

TITLE 83 (CONT'D)		TITLE 86		TITLE 89	
756.220	am	(P-18675/90; A-5618)	130.1405	am	(P-20194/90; A-6621)
757.	am	(RC-5111)	130.1410	r	(P-20194/90; A-6621)
757.10	r	(P-4803; A-11926) (E-5082)	130.1415	am	(P-20194/90; A-6621)
757.15	r	(P-4803; A-11926) (E-5082)	130.1420	r	(P-20194/90; A-6621)
757.100	r	(P-4803; A-11926) (E-5082)	130.1500	am	(P-20194/90; A-6621)
757.105	r	(P-4803; A-11926) (E-5082)	130.1505	am	(P-20194/90; A-6621)
757.110	r	(P-4803; A-11926) (E-5082)	130.1701	am	(P-20194/90; A-6621)
757.115	r	(P-4803; A-11926) (E-5082)	130.1920	am	(P-20194/90; A-6621)
757.120	r	(P-4803; A-11926) (E-5082)	130.1930	am	(P-20194/90; A-6621)
757.125	r	(P-4803; A-11926) (E-5082)	130.1950	am	(P-20194/90; A-6621)
757.200	r	(P-4803; A-11926) (E-5082)	130.1951	am	(P-20194/90; A-6621)
757.205	r	(P-4803; A-11926) (E-5082)	130.1955	am	(P-20194/90; A-6621)
757.300	r	(P-4803; A-11926) (E-5082)	130.1970	am	(P-20194/90; A-6621)
757.310	r	(P-4803; A-11926) (E-5082)	130.1980	am	(P-20194/90; A-6621)
757.320	r	(P-4803; A-11926) (E-5082)	130.1990	am	(P-20194/90; A-6621)
757.330	r	(P-4803; A-11926) (E-5082)	130.2005	am	(P-20194/90; A-6621)
757.340	r	(P-4803; A-11926) (E-5082)	130.2007	am	(P-20194/90; A-6621)
757.350	r	(P-4803; A-11926) (E-5082)	130.2008	n	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2085	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2090	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2105	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2115	am	(P-20194/90; A-6621)
780.36	n	(P-13100/90; A-5062)	130.2140	am	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2145	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2150	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2165	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2180	am	(P-20194/90; A-6621)
780.36	n	(P-13100/90; A-5062)	130.2185	am	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2205	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2210	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2215	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2240	am	(P-20194/90; A-6621)
780.36	n	(P-13100/90; A-5062)	130.2245	am	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2250	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2255	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2260	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2265	am	(P-20194/90; A-6621)
780.36	n	(P-13100/90; A-5062)	130.2270	am	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2275	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2280	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2285	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2290	am	(P-20194/90; A-6621)
780.36	n	(P-13100/90; A-5062)	130.2295	am	(P-20194/90; A-6621)

ILLINOIS REGISTER

VOL. 15, ISSUE #43

OCTOBER 25, 1991

TITLE_86 (CONTD)					
230.110	am	(P-1971790; A-5796)	430.200	am	(P-1724; A-10944)
230.115	am	(P-1971790; A-5796)	432.100	am	(P-1777; A-10993)
230.120	am	(P-1971790; A-5796)	432.110	am	(P-1777; A-10993)
230.125	am	(P-1971790; A-5796)	432.120	am	(P-1777; A-10993)
230.130	am	(P-1971790; A-5796)	432.160	am	(P-1777; A-10993)
240.101	r	(P-1972590; A-5781)	435.100	am	(P-1748; A-10966)
240.105	r	(P-1972590; A-5781)	435.110	am	(P-1748; A-10966)
240.110	r	(P-1972590; A-5781)	435.120	am	(P-1748; A-10966)
240.115	r	(P-1972590; A-5781)	435.130	am	(P-1748; A-10966)
240.120	r	(P-1972590; A-5781)	435.140	am	(P-1748; A-10966)
270.101	am	(P-1525190; A-3507)	435.160	am	(P-1748; A-10966)
270.105	am	(P-1525190; A-3507)	435.170	am	(P-1748; A-10966)
270.110	am	(P-1525190; A-3507)	435.180	am	(P-1748; A-10966)
270.115	am	(P-1525190; A-3507)	435.190	am	(P-1748; A-10966)
270.120	am	(P-1525190; A-3507)	435.200	am	(P-1748; A-10966)
270.125	am	(P-1525190; A-3507)	435.210	am	(P-1748; A-10966)
270.130	am	(P-1525190; A-3507)	435.220	am	(P-1748; A-10966)
280.101	am	(P-1790890; A-6290)	440.90	am	(P-1342990; A-1117)
280.105	am	(P-1790890; A-6290)	450.10	am	(P-1343490; A-122)
280.110	am	(P-1790890; A-6290)	460.101	am	(P-15417)
280.115	am	(P-1790890; A-6290)	460.110	am	(P-15417)
280.120	am	(P-1790890; A-6290)	460.120	am	(P-15422)
280.125	am	(P-1790890; A-6290)	500.102	n	(P-1789790; A-6305)
280.130	am	(P-1790890; A-6290)	500.103	n	(P-1789790; A-6305)
290.101	r	(P-1975190; A-5820)	500.105	am	(P-1789790; A-6305)
290.105	r	(P-1975190; A-5820)	500.115	am	(P-1789790; A-6305)
290.110	r	(P-1975190; A-5820)	500.155	am	(P-1789790; A-6305)
290.115	r	(P-1975190; A-5820)	500.175	am	(P-1789790; A-6305)
290.120	r	(P-1975190; A-5820)	500.195	am	(P-1789790; A-6305)
320.101	am	(P-1975690; A-6316)	500.201	n	(P-1789790; A-6305)
320.105	am	(P-1975690; A-6316)	500.220	am	(P-5017-A-13538) (P-1789790;
320.110	am	(P-1975690; A-6316)			A-6305)
320.115	am	(P-1975690; A-6316)			A-6305)
320.120	am	(P-1975690; A-6316)	600.101	r	(P-1819590; A-6284)
330.101	am	(P-1976790; A-5822)	600.105	r	(P-1819590; A-6284)
330.105	am	(P-1976790; A-5822)	600.110	r	(P-1819590; A-6284)
330.110	am	(P-1976790; A-5822)	600.115	r	(P-1819590; A-6284)
330.115	am	(P-1976790; A-5822)	600.120	r	(P-1819590; A-6284)
330.120	am	(P-1976790; A-5822)	600.125	r	(P-1819590; A-6284)
340.101	am	(P-1977490; A-5829)	600.130	r	(P-1819590; A-6284)
340.105	am	(P-1977490; A-5829)	600.135	r	(P-1819590; A-6284)
340.110	am	(P-1977490; A-5829)	610.101	r	(P-1820890; A-6286)
340.115	am	(P-1977490; A-5829)	610.105	r	(P-1820890; A-6286)
370.101	am	(P-1973090; A-5805)	610.110	r	(P-1820890; A-6286)
370.105	am	(P-1973090; A-5805)	610.115	r	(P-1820890; A-6286)
370.110	am	(P-1973090; A-5805)	610.120	r	(P-1820890; A-6286)
370.115	am	(P-1973090; A-5805)	610.125	r	(P-1820890; A-6286)
370.120	am	(P-1973090; A-5805)	610.130	r	(P-1820890; A-6286)
380.101	am	(P-1974090; A-6299)	610.135	r	(P-1820890; A-6286)
380.110	am	(P-1974090; A-6299)	620.101	r	(P-1821790; A-6288)
380.115	am	(P-1974090; A-6299)	620.105	r	(P-1821790; A-6288)
380.120	am	(P-1974090; A-6299)	620.110	r	(P-1821790; A-6288)
390.101	am	(P-1974690; A-5815)	620.115	r	(P-1821790; A-6288)
390.105	am	(P-1974690; A-5815)	620.120	r	(P-1821790; A-6288)
390.110	am	(P-1974690; A-5815)	630.101	r	(P-1821790; A-6288)
420.50	am	(P-1576290; A-3498)	630.105	am	(P-1787990; A-5762)
420.90	am	(P-1576290; A-3498)	630.105	am	(P-1787990; A-5762)
430.100	am	(P-1724; A-10944)	630.110	am	(P-1787990; A-5762)
430.110	am	(P-1724; A-10944)	630.115	am	(P-1787990; A-5762)
430.120	am	(P-1724; A-10944)	640.101	am	(P-1788790; A-5770)
430.130	am	(P-1724; A-10944)	640.105	am	(P-1788790; A-5770)
430.160	am	(P-1724; A-10944)	640.110	am	(P-1788790; A-5770)
430.180	am	(P-1724; A-10944)	650.101	am	(P-1789490; A-5778)
430.190	am	(P-1724; A-10944)			

TITLE_86	(CONT'D)
3000.100	n (P-433; W-11342) (P-11075; E-11252)
3000.110	n (P-433; W-11342) (P-11075; E-11252)
3000.115	n (P-11075; E-11252)
3000.120	n (P-433; W-11342) (P-11075; E-11252)
3000.130	n (P-433; W-11342) (P-11075; E-11252)
3000.140	n (P-433; W-11342) (P-11075; E-11252)
3000.150	n (P-433; W-11342) (P-11075; E-11252)
3000.155	n (P-11075; E-11252)
3000.160	n (P-433; W-11342) (P-11075; E-11252)
3000.161	n (P-11075; E-11252)
3000.165	n (P-11075; E-11252)
3000.170	n (P-433; W-11342) (P-11075; E-11252)
3000.180	n (P-11075; E-11252)
3000.200	n (P-433; W-11342) (P-11075; E-11252)
3000.210	n (P-433; W-11342) (P-11075; E-11252)
3000.220	n (P-433; W-11342) (P-11075; E-11252)
3000.230	n (P-433; W-11342) (P-11075; E-11252)
3000.235	n (P-11075; E-11252)
3000.240	n (P-433; W-11342) (P-11075; E-11252)
3000.245	n (P-11075; E-11252)
3000.250	n (P-433; W-11342) (P-11075; E-11252)
3000.260	n (P-433; W-11342) (P-11075; E-11252)
3000.270	n (P-11075; E-11252)
3000.280	n (P-11075; E-11252)
3000.281	n (P-11075; E-11252)
3000.282	n (P-11075; E-11252)
3000.283	n (P-11075; E-11252)
3000.300	n (P-11075; E-11252)
3000.310	n (P-11075; E-11252)
3000.320	n (P-11075; E-11252)
3000.330	n (P-11075; E-11252)
3000.340	n (P-11075; E-11252)
3000.350	n (P-11075; E-11252)
3000.400	n (P-433; W-11342) (P-11075; E-11252)
3000.405	n (P-11075; E-11252)
3000.410	n (P-433; W-11342) (P-11075; E-11252)
3000.415	n (P-11075; E-11252)
3000.420	n (P-11075; E-11252)
3000.425	n (P-11075; E-11252)
3000.430	n (P-11075; E-11252)
3000.435	n (P-11075; E-11252)
3000.440	n (P-11075; E-11252)
3000.500	n (P-433; W-11342)
3000.600	n (P-11075; E-11252)
3000.610	n (P-11075; E-11252)
3000.700	n (P-11075; E-11252)
3000.705	n (P-433; W-11342) (P-11075; E-11252)
3000.710	n (P-433; W-11342) (P-11075; E-11252)
3000.715	n (P-433; W-11342) (P-11075; E-11252)
3000.720	n (P-11075; E-11252)
3000.725	n (P-11075; E-11252)
3000.730	n (P-433; W-11342) (P-11075; E-11252)
3000.735	n (P-433; W-11342) (P-11075; E-11252)
3000.740	n (P-433; W-11342) (P-11075; E-11252)
3000.745	n (P-433; W-11342) (P-11075; E-11252)
3000.750	n (P-433; W-11342) (P-11075; E-11252)
3000.755	n (P-433; W-11342) (P-11075; E-11252)
3000.760	n (P-433; W-11342) (P-11075; E-11252)
3000.765	n (P-11075; E-11252)
3000.770	n (P-11075; E-11252)
3000.800	n (P-433; W-11342) (P-11075; E-11252)
3000.810	n (P-11075; E-11252)
3000.820	n (P-11075; E-11252)
3000.830	n (P-11075; E-11252)
3000.840	n (P-433; W-11342) (P-11075; E-11252)
3000.900	n (P-11075; E-11252)
3000.910	n (P-433; W-11342) (P-11075; E-11252)
3000.920	n (P-433; W-11342) (P-11075; E-11252)
3000.930	n (P-433; W-11342) (P-11075; E-11252)
3000.940	n (P-433; W-11342) (P-11075; E-11252)
3000.950	n (P-11075; E-11252)
3000.960	n (P-433; W-11342) (P-11075; E-11252)
3000.1000	n (P-433; W-11342) (P-11075; E-11252)
3000.1010	n (P-433; W-11342) (P-11075; E-11252)
3000.1020	n (P-11075; E-11252)
3000.1030	n (P-433; W-11342) (P-11075; E-11252)
3000.1100	n (P-11075; E-11252)
3000.1110	n (P-11075; E-11252)
3000.1120	n (P-11075; E-11252)
3000.1130	n (P-433; W-11342) (P-11075; E-11252)
3000.1150	n (P-433; W-11342) (P-11075; E-11252)
3000.1160	n (P-11075; E-11252)
3000.1170	n (P-11075; E-11252)
3000.1171	n (P-11075; E-11252)
3000.1172	n (P-11075; E-11252)

[illegible]

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

TITLE 89 (CONT'D)

140.400	(P-12171)	141.240	(P-12132) (E-12795)	r
140.401	(P-406; A-8264) (E-592)	141.280	(P-12132) (E-12795)	r
140.413	(P-1414; A-8972)	141.320	(P-12132) (E-12795)	r
140.420	(P-1414; A-8972)	141.360	(P-12132) (E-12795)	r
140.421	(P-12171)	141.400	(P-12132) (E-12795)	r
140.425	(P-12171)	141.440	(P-12132) (E-12795)	r
140.426	(P-12171)	141.480	(P-12132) (E-12795)	r
140.428	(P-12171)	141.520	(P-12132) (E-12795)	r
140.440	(P-12171) (E-12919)	141.560	(P-12132) (E-12795)	am
140.441	(P-12171) (E-12919)	141.600	(P-12132) (E-12795)	r
140.442	(P-12171) (E-12919)	141.640	(P-12132) (E-12795)	r
140.449	(P-2017090; A-6220)	141.680	(P-12132) (E-12795)	am
140.457	(P-2017090; A-6220)	141.720	(P-12132) (E-12795)	r
140.458	(P-2017090; A-6220)	141.760	(P-12132) (E-12795)	r
140.459	(P-4903)	141.800	(P-12132) (E-12795)	r
140.460	(P-4903)	141.840	(P-12132) (E-12795)	r
140.461	(P-4903)	141.880	(P-12132) (E-12795)	r
140.462	(P-4903)	141.920	(P-12132) (E-12795)	r
140.463	(P-4903)	141.960	(P-12132) (E-12795)	r
140.465	(P-13685)	142.000	(P-12132) (E-12795)	r
140.469	(P-847; A-8264)	142.040	(P-12132) (E-12795)	r
140.475	(P-1431790; O-21120/90; RC-21135/90;	142.080	(P-12132) (E-12795)	r
140.485	(P-1431790; O-298)	142.120	(P-12132) (E-12795)	r
140.486	(P-1431790; O-298)	142.160	(P-12132) (E-12795)	r
140.487	(P-1431790; O-298)	142.200	(P-12132) (E-12795)	r
140.488	(P-1431790; O-298)	142.240	(P-12132) (E-12795)	r
140.490	(P-1913290; A-8264)	142.280	(P-12132) (E-12795)	r
140.512	(P-13274)	142.320	(P-12132) (E-12795)	r
140.513	(P-13274)	142.360	(P-12132) (E-12795)	r
140.514	(P-11555)	142.400	(P-12132) (E-12795)	r
140.518	(P-9885)	142.440	(P-12132) (E-12795)	r
140.523	(P-1488190; A-1051)	142.480	(P-12132) (E-12795)	r
140.560	(P-5585)	142.520	(P-12132) (E-12795)	r
140.561	(P-7482)	142.560	(P-12132) (E-12795)	r
140.562	(P-1396390; O-17718/90; R-366)	142.600	(P-12132) (E-12795)	r
140.569	(P-783490; A-18813/90; C-1174) (P-783490; O-5115; R-6789; A-6534) (P-8656)	142.640	(P-12132) (E-12795)	r
140.646	(P-6949)	142.680	(P-12132) (E-12795)	r
140.662	(P-1431790; A-298)	142.720	(P-12132) (E-12795)	r
140.850	(P-1959290; A-10114)	142.760	(P-12132) (E-12795)	r
140.855	(P-1959290; A-10114)	142.800	(P-12132) (E-12795)	r
140.860	(P-1959290; A-10114)	142.840	(P-12132) (E-12795)	r
140.865	(P-1959290; A-10114)	142.880	(P-12132) (E-12795)	r
140.870	(P-1959290; A-10114)	142.920	(P-12132) (E-12795)	r
140.875	(P-1959290; A-10114)	142.960	(P-12132) (E-12795)	r
140.880	(P-1959290; A-10114)	143.000	(P-12132) (E-12795)	r
140.885	(P-1959290; A-10114)	143.040	(P-12132) (E-12795)	r
140.890	(P-1959290; A-10114)	143.080	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.120	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.160	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.200	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.240	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.280	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.320	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.360	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.400	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.440	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.480	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.520	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.560	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.600	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.640	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.680	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.720	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.760	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.800	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.840	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.880	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.920	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	143.960	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.000	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.040	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.080	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.120	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.160	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.200	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.240	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.280	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.320	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.360	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.400	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.440	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.480	(P-12132) (E-12795)	r
140.895	(P-1959290; A-10114)	144.520	(P-12132) (E-12795)	r

SAL-37

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

VOL. 15, ISSUE #43

TITLE 89 (CONT'D)

141.2400	(P-831; A-7117) (E-1121)	141.4520	(P-12132) (E-12795)	r
141.2400	(P-12132) (E-12795)	141.4560	(P-831; A-7117) (E-1121)	am
141.2400	(P-12132) (E-12795)	141.4600	(P-12132) (E-12795)	r
141.2440	(P-12132) (E-12795)	141.4640	(P-12132) (E-12795)	r
141.2480	(P-831; A-7117) (E-1121)	141.4680	(P-12132) (E-12795)	am
141.2520	(P-12132) (E-12795)	141.4720	(P-12132) (E-12795)	r
141.2560	(P-12132) (E-12795)	141.4760	(P-12132) (E-12795)	r
141.2600	(P-831; A-7117) (E-1121)	141.4800	(P-12132) (E-12795)	r
141.2640	(P-12132) (E-12795)	141.4840	(P-12132) (E-12795)	am
141.2680	(P-12132) (E-12795)	141.4880	(P-12132) (E-12795)	r
141.2720	(P-12132) (E-12795)	141.4920	(P-12132) (E-12795)	r
141.2760	(P-831; A-7117) (E-1121)	141.4960	(P-12132) (E-12795)	r
141.2800	(P-12132) (E-12795)	141.5000	(P-12132) (E-12795)	r
141.2840	(P-12132) (E-12795)	141.5040	(P-12132) (E-12795)	r
141.2880	(P-12132) (E-12795)	141.5080	(P-12132) (E-12795)	r
141.2920	(P-12132) (E-12795)	141.5120	(P-12132) (E-12795)	r
141.2960	(P-831; A-7117) (E-1121)	141.5160	(P-12132) (E-12795)	am
141.3000	(P-12132) (E-12795)	141.5200	(P-12132) (E-12795)	r
141.3040	(P-12132) (E-12795)	141.5240	(P-12132) (E-12795)	r
141.3080	(P-12132) (E-12795)	141.5280	(P-12132) (E-12795)	r
141.3120	(P-12132) (E-12795)	141.5320	(P-12132) (E-12795)	r
141.3160	(P-12132) (E-12795)	141.5360	(P-12132) (E-12795)	r
141.3200	(P-12132) (E-12795)	141.5400	(P-12132) (E-12795)	r
141.3240	(P-12132) (E-12795)	141.5440	(P-12132) (E-12795)	r
141.3280	(P-12132) (E-12795)	141.5480	(P-12132) (E-12795)	r
141.3320	(P-831; A-7117) (E-1121)	141.5520	(P-12132) (E-12795)	am
141.3360	(P-12132) (E-12795)	141.5560	(P-12132) (E-12795)	r
141.3400	(P-12132) (E-12795)	141.5600	(P-12132) (E-12795)	r
141.3440	(P-12132) (E-12795)	141.5640	(P-12132) (E-12795)	r
141.3480	(P-12132) (E-12795)	141.5680	(P-12132) (E-12795)	r
141.3520	(P-12132) (E-12795)	141.5720	(P-12132) (E-12795)	r
141.3560	(P-831; A-7117) (E-1121)	141.5760	(P-12132) (E-12795)	am
141.3600	(P-12132) (E-12795)	141.5800	(P-12132) (E-12795)	r
141.3640	(P-12132) (E-12795)	141.5840	(P-12132) (E-12795)	r
141.3680	(P-12132) (E-12795)	141.5880	(P-12132) (E-12795)	r
141.3720	(P-831; A-7117) (E-1121)	141.5920	(P-12132) (E-12795)	am
141.3760	(P-12132) (E-12795)	141.5960	(P-12132) (E-12795)	r
141.3800	(P-12132) (E-12795)	141.6000	(P-12132) (E-12795)	r
141.3840	(P-12132) (E-12795)	141.6040	(P-12132) (E-12795)	r
141.3880	(P-12132) (E-12795)	141.6080	(P-12132) (E-12795)	r
141.3920	(P-12132) (E-12795)	141.6120	(P-12132) (E-12795)	r
141.3960	(P-12132) (E-12795)	141.6160	(P-12132) (E-12795)	r
141.4000	(P-831; A-7117) (E-1121)	141.6200	(P-12132) (E-12795)	am
141.4040	(P-12132) (E-12795)	141.6240	(P-12132) (E-12795)	r
141.4080	(P-12132) (E-12795)	141.6280	(P-12132) (E-12795)	r
141.4120	(P-12132) (E-12795)	141.6320	(P-12132) (E-12795)	r
141.4160	(P-12132) (E-12795)	141.6360	(P-12132) (E-12795)	r
141.4200	(P-12132) (E-12795)	141.6400	(P-12132) (E-12795)	r
141.4240	(P-831; A-7117) (E-1121)	141.6440	(P-12132) (E-12795)	am
141.4280	(P-12132) (E-12795)	141.6480	(P-12132) (E-12795)	r
141.4320	(P-12132) (E-12795)	141.6520	(P-12132) (E-12795)	r
141.4360	(P-831; A-7117) (E-1121)	141.6560	(P-12132) (E-12795)	am
141.4400	(P-12132) (E-12795)	141.6600	(P-12132) (E-12795)	r
141.4440	(P-12132) (E-12795)	141.6640	(P-12132) (E-12795)	r
141.4480	(P-12132) (E-12795)	141.6680	(P-12132) (E-12795)	r
141.4520	(P-831; A-7117) (E-1121)	141.6720	(P-12132) (E-12795)	am

SAL-38

VOL. 15, ISSUE #43

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

OCTOBER 25, 1991

TITLE 89 (CONT'D)

148.370	am	(P-10909)	503.70	am	(P-12718/90; A-7728)
148.380	am	(E-10502) (P-10909)	503.80	am	(P-12718/90; A-7728)
148.390	am	(P-10502) (P-10909)	503.10	am	(P-12718/90; A-7728)
149.150	am	(P-15722/90; A-1826)	513.400	n	(P-9370/90; O-17698/90; M-4464; A-7211)
160.5	am	(P-806)	513.500	n	(P-9370/90; A-7211)
160.10	am	(P-806)	552.30	am	(P-9392/90; A-9737)
160.20	am	(P-806)	552.60	am	(P-9392/90; A-9737)
160.70	am	(P-17436/90; A-1034)	552.90	am	(P-9392/90; A-9737)
160.70	am	(P-14335) (E-14593)	562.20	am	(P-11399)
240.655	am	(E-2838) (P-18635/90; A-10351)	567.20	am	(P-161; A-10179; P-11399)
240.1665	am	(P-8735; PF-14320) (E-14285)	567.30	am	(P-12731/90; A-6617)
300.20	am	(P-8735; PF-14320) (E-14285)	572.90	am	(P-8541)
300.30	am	(P-8415)	587.105	n	(P-11736/90; A-7370)
335.100	am	(P-8415)	587.106	n	(P-11736/90; A-7370)
335.102	am	(P-8415)	587.107	n	(P-11736/90; A-7370)
335.200	am	(P-8415)	587.110	n	(P-11736/90; A-7370)
335.202	am	(P-8415)	587.111	n	(P-11736/90; A-7370)
335.300	am	(P-8415)	587.120	am	(P-11736/90; A-7370)
335.302	am	(P-8415)	592.50	am	(P-12257/90; A-5757)
335.304	am	(P-8415)	592.75	am	(P-12257/90; A-5757)
335.306	am	(P-8415)	592.85	am	(P-12257/90; A-5757)
335.308	r	(P-8415)	617.20	am	(P-12257/90; A-5757)
335.310	am	(P-8415)	617.30	am	(P-12257/90; A-5757)
335.312	am	(P-8415)	617.40	am	(P-9385/90; A-7347)
335.314	am	(P-8415)	617.50	am	(P-9385/90; A-7347)
335.316	am	(P-8415)	617.55	am	(P-7885)
335.318	am	(P-8415)	617.60	am	(P-9385/90; A-7347)
335.320	am	(P-8415)	617.70	r	(P-9385/90; A-7347)
335.326	am	(P-8415)	650.1	r	(P-6725/90; A-2794)
335.328	am	(P-8415)	650.10	r	(P-6883/90; A-2740)
335.330	am	(P-8415)	650.10	r	(P-6725/90; A-2794)
335.332	am	(P-8415)	650.20	n	(P-6725/90; A-2794)
335.334	am	(P-8415)	650.20	n	(P-6883/90; A-2740)
335.336	am	(P-8415)	650.30	n	(P-6725/90; A-2794)
335.338	am	(P-8415)	650.30	n	(P-6883/90; A-2740)
352.Ap. A	am	(P-18871/90; A-11111)	650.30	n	(P-6725/90; A-2794)
406.2	am	(P-13239) (E-13554)	650.40	r	(P-6725/90; A-2794)
406.4	am	(P-14734) (E-15088)	650.40	r	(P-6725/90; A-2794)
406.5	am	(P-14734)	650.50	n	(P-6725/90; A-2794)
406.6	am	(P-14734)	650.50	r	(P-6725/90; A-2794)
406.7	am	(P-14734)	650.60	n	(P-6883/90; A-2740)
406.8	am	(P-14734) (E-15088)	650.60	n	(P-6725/90; A-2794)
406.9	am	(P-14734) (E-15088)	650.70	r	(P-6883/90; A-2740)
406.10	am	(P-14734) (E-15088)	650.70	n	(P-6725/90; A-2794)
406.11	am	(P-14734)	650.90	n	(P-6883/90; A-2740)
406.13	am	(P-14734) (E-15088)	650.90	r	(P-6725/90; A-2794)
406.14	am	(P-14734)	650.100	n	(P-6883/90; A-2740)
406.22	am	(P-14734)	650.100	n	(P-6725/90; A-2794)
406.24	am	(P-14734)	650.110	n	(P-6725/90; A-2794)
407.29	am	(P-14729)	650.120	n	(P-6883/90; A-2740)
408.5	am	(P-14764) (E-15104)	650.130	n	(P-6883/90; A-2740)
408.30	am	(P-14764) (E-15104)	650.140	n	(P-6883/90; A-2740)
408.65	am	(P-14764) (E-15104)	650.150	n	(P-6883/90; A-2740)
408.70	am	(P-14764)	650.160	n	(P-6883/90; A-2740)
431.2	am	(P-4303/90; A-24)	650.200	n	(P-6725/90; A-2794)
431.3	am	(P-4303/90; A-24)	650.300	r	(P-6725/90; A-2794)
431.5	am	(P-4303/90; A-24)	650.500	r	(P-6725/90; A-2794)
505.5	#	(P-12718/90; A-7728)	650.700	r	(P-6725/90; A-2794)
505.5	am	(P-12718/90; A-7728)	650.1000	r	(P-6725/90; A-2794)
505.10	am	(P-12718/90; A-7728)	650.Ap.B	r	(P-6725/90; A-2794)
505.20	#	(P-12718/90; A-7728)	680.300	am	(P-6725/90; A-2794)
505.40	am	(P-12718/90; A-7728)	685.150	n	(P-8156)

[illegible]

TITLE 89 (CONT'D)		TITLE 92 (CONT'D)	
1300.110	(P-5141)	37.60	(P-3275; A-9047)
1300.120	(P-5141)	37.70	(P-3275; A-9047)
1300.130	(P-5141)	37.80	(P-3275; A-9047)
1300.200	(P-5141)	37.90	(P-3275; A-9047)
1300.205	(P-5141)	37.100	(P-3275; A-9047)
1300.210	(P-5141)	37.110	(P-3275; A-9047)
		37.120	(P-3275; A-9047)
		37.130	(P-3275; A-9047)
		37.140	(P-3275; A-9047)
		37 Ex. A	(P-3275; A-9047)
18.10	(P-3231; A-9045)	37.10	(P-1528390; A-2817)
18.10	(P-3252; A-9022)	37.20	(P-1528390; A-2817)
18.20	(P-3231; A-9045)	37.30	(P-1528390; A-2817)
18.20	(P-3252; A-9022)	37.40	(P-1528390; A-2817)
18.30	(P-3231; A-9045)	37.50	(P-1528390; A-2817)
18.30	(P-3252; A-9022)	37.60	(P-1528390; A-2817)
18.40	(P-3231; A-9045)	37.70	(P-1528390; A-2817)
18.40	(P-3252; A-9022)	37.80	(P-1528390; A-2817)
18.50	(P-3231; A-9045)	37.90	(P-1528390; A-2817)
18.50	(P-3252; A-9022)	37.100	(P-1528390; A-2817)
18.60	(P-3231; A-9045)	37.110	(P-1528390; A-2817)
18.60	(P-3252; A-9022)	37.120	(P-1528390; A-2817)
18.70	(P-3231; A-9045)	37.130	(P-1528390; A-2817)
18.70	(P-3252; A-9022)	37.140	(P-1528390; A-2817)
18.80	(P-3231; A-9045)	37 Ex. A	(P-1528390; A-2817)
18.80	(P-3252; A-9022)	171.6	(P-1452; A-7752)
18.90	(P-3231; A-9045)	171.1000	(P-1452; A-7752)
18.90	(P-3252; A-9022)	172.2000	(P-1461; A-7760)
18.100	(P-3231; A-9045)	173.3000	(P-1466; A-7765)
18.100	(P-3252; A-9022)	177.2000	(P-1442; A-7743)
18.110	(P-3231; A-9045)	178.2000	(P-1472; A-7771)
18.110	(P-3252; A-9022)	179.2000	(P-1483; A-7781)
18.120	(P-3231; A-9045)	180.2000	(P-1447; A-7748)
18.120	(P-3252; A-9022)	390.1020	(P-7008; A-13171)
18.130	(P-3231; A-9045)	390.2000	(P-7008; A-13171)
18.130	(P-3252; A-9022)	391.2000	(P-7026; A-13189)
18.140	(P-3231; A-9045)	392.2000	(P-6994; A-13155)
18.140	(P-3252; A-9022)	393.2000	(P-7022; A-13185)
18.150	(P-3231; A-9045)	395.2000	(P-6997; A-13161)
18.160	(P-3231; A-9045)	396.2000	(P-7003; A-13167)
18 Ex. A	(P-3252; A-9022)	397.1020	(P-6991; A-13158)
18 Ex. B	(P-3231; A-9045)	440.420	(P-13041)
II. A	(P-3231; A-9045)	440.11. A	(P-13041)
II. B	(P-3231; A-9045)	440.11. B	(P-13041)
27.10	(P-1526290; A-2796)	442.285	(P-13072)
27.20	(P-1526290; A-2796)	442.28. A	(P-13072)
27.30	(P-1526290; A-2796)	442.28. B	(P-13072)
27.40	(P-1526290; A-2796)	442.28. C	(P-13072)
27.50	(P-1526290; A-2796)	456.10	(P-1753590; A-5894)
27.60	(P-1526290; A-2796)	456.20	(P-1753590; A-5894)
27.70	(P-1526290; A-2796)	456.30	(P-1753590; A-5894)
27.80	(P-1526290; A-2796)	456.40	(P-1753590; A-5894)
27.90	(P-1526290; A-2796)	456.50	(P-1753590; A-5894)
27.100	(P-1526290; A-2796)	456.60	(P-1753590; A-5894)
27.110	(P-1526290; A-2796)	456.70	(P-1753590; A-5894)
27.120	(P-1526290; A-2796)	530.10	(P-2940)
27.130	(P-1526290; A-2796)	530.20	(P-3003)
27.140	(P-1526290; A-2796)	530.30	(P-2940)
27 Ex. A	(P-1526290; A-2796)	530.40	(P-3003)
37.10	(P-3275; A-9047)	530.50	(P-2940)
37.20	(P-3275; A-9047)	530.60	(P-2940)
37.30	(P-3275; A-9047)	530.70	(P-2940)
37.40	(P-3275; A-9047)	530.80	(P-2940)
37.50	(P-3275; A-9047)	530.90	(P-2940)